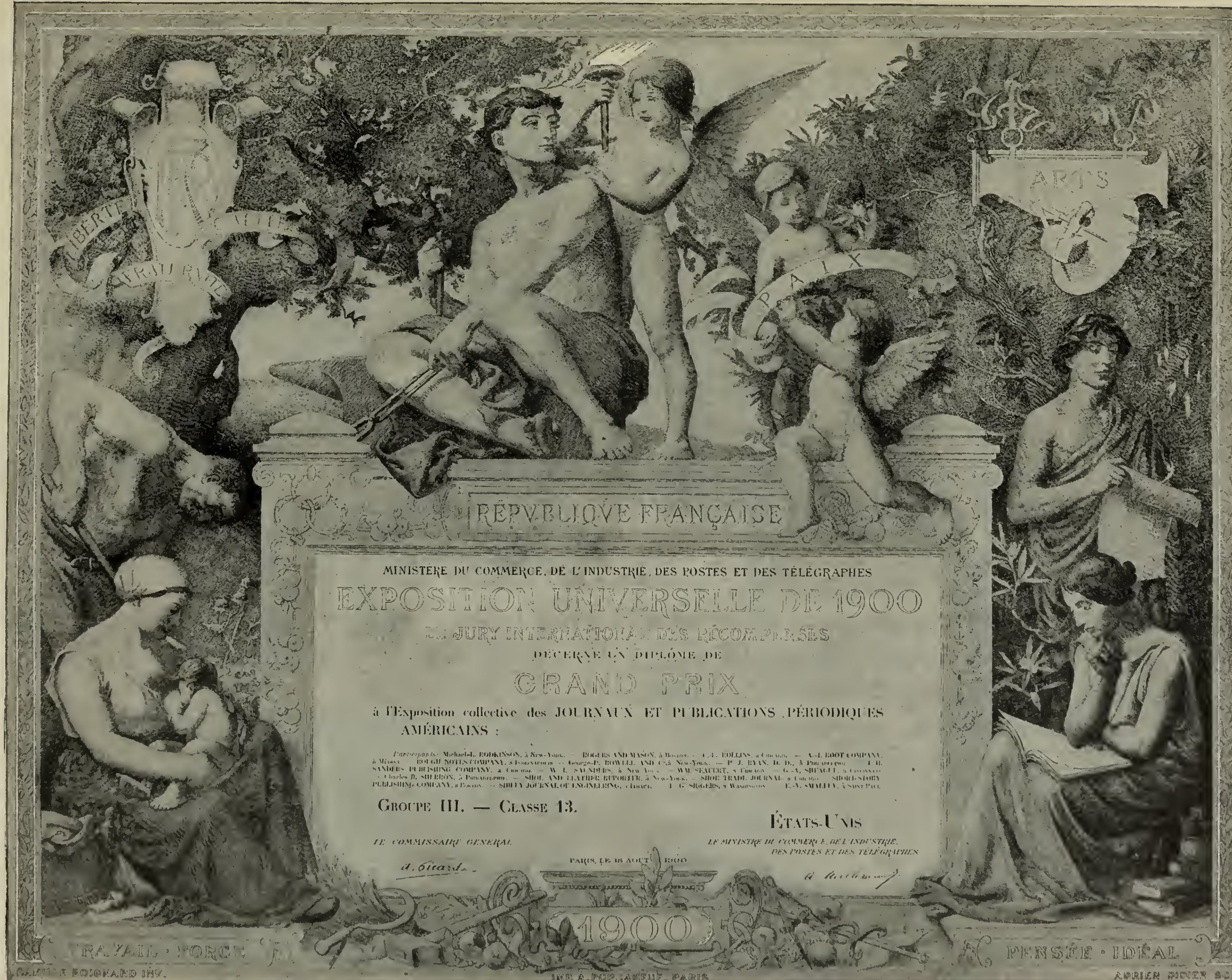


Reproduction of the Grand Prize Diploma for the first translation (into a modern language) of the Babylonian Talmud. The name of the translator leads those in Group III., Class 13, of the American Collective Exhibit. Presented by the International Jury of Awards, August 18, 1900.

Herrn M. L. Rodkinson, New York

Meran (Austria) 13/6 02

Lieber Herr Rodkinson!

Sie haben die Güte gehabt, mir, in Gemeinschaft mit dem Herrn Grand Rabbin de France Zadoc Kahn, den VI (XIV) Band Ihrer englischen Uebersetzung des Talmud zu widmen, und haben mir damit eine hohe Ehre erwiesen. Ich bitte Sie, den Ausdruck meines herzlichsten Dankes dafür entgegen zu nehmen.

Es wäre eine trügerische Schmeichelei, wenn ich Ihr Werk als ein vollkommenes bezeichnen wollte; bin ich doch, weil der englischen Sprache gegenüber nur ein Laie, nicht einmal im Stande dasselbe vollkommen zu beurtheilen. Das aber weiß ich: daß es nur einem so unsäglichen Fleiße, einer so unermüdlichen Energie, und nur einem so kundigen Steuermann, der das ganze "Meer des Talmuds" beherrscht, möglich war ein solches Riesenwerk zu Stande zu

bringen

bringen.

Die Amerikanischen Juden, die sich mit rühmenswerthem Eifer der Pflege und Förderung der Wissenschaft des Judenthums hinzuwenden, werden stolz darauf sein, daß auch diese so oft seit Menschenaltern begehrte & niemals geleistete Schöpfung einer Uebertragung des ganzen Talmuds in ein modernes Idiom auf amerikanischem Boden entstanden ist.

Daß Sie meinen Namen mit dem Werke verknüpft haben, verpflichtet mich zum innigsten Danke, mit welchem ich, unter herzlichen Wünschen für Ihr ferneres Gelingen und besten Erfolg, verbleibe

Ihr Lazarus

Translation of the original letter of the *Privy Councillor* to H. I. M. the German Emperor, Prof. Lazarus, Ph.D., D.D.

"You have been kind enough to dedicate your English translation of Volume VI. (14) of the Babylonian Talmud to me, in conjunction with Monsieur the Grand Rabbin of France, Zadoc Kahn. You have conferred upon me a high honor and I beg of you to accept therefor my heartiest thanks. It would be a deceiving flattery were I to say your work is perfect, for I am but a layman so far as the English language is concerned, hence on that point am not in a position to judge. I know, however, that only by means of a diligence which cannot be estimated and through untiring energy—and that possessed by a skillful pilot who has mastered the 'whole sea of the Talmud'—can such a gigantic work be accomplished.

"The American Jews, who turn to the promotion of the science of Judaism with such praiseworthy zeal, will be proud of the fact that this ever-desired and never-accomplished task, the translation of the whole Talmud into a modern idiom, was consummated on American soil.

"That you have connected my name with your work obliges me to express my sincerest thanks, with the expression of which I remain, with many hearty wishes for your future welfare and success, your

"LAZARUS."

NEW EDITION

OF THE

BABYLONIAN TALMUD

Original Text, Edited, Corrected, Formulated, and Translated into English

BY

MICHAEL L. RODKINSON

SECTION JURISPRUDENCE (DAMAGES)

TRACTS ABUDA ZARA AND HORIOTH

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EXPLANATORY REMARKS.

In our translation we adopted these principles:

1. *Tenan* of the original—We have learned in a Mishna; *Tania*—We have learned in a Boraitha; *Itemar*—It was taught.

2. Questions are indicated by the interrogation point, and are immediately followed by the answers, without being so marked.

3. When in the original there occur two statements separated by the phrase, *Lishna achrena* or *Waïbayith Aema* or *Ikha d'amri* (literally, "otherwise interpreted"), we translate only the second.

4. As the pages of the original are indicated in our new Hebrew edition, it is not deemed necessary to mark them in the English edition, this being only a translation from the latter.

5. Words or passages enclosed in round parentheses ( ) denote the explanation rendered by Rashi to the foregoing sentence or word. Square parentheses [ ] contain commentaries by authorities of the last period of construction of the Gemara.

CONTENTS.

CHAPTER V.

SYNOPSIS OF SUBJECTS

OF

TRACT ABUDA ZARA (IDOLATRY).

CHAPTER. I.

MISHNA *I.* Three days before the festival of the heathen, it is forbidden to have any business with them. In the future the Lord will take the Holy Scroll in hand, saying, "He who was occupied with it shall appear and receive his reward." The kingdom of Rome will then enter first, etc. After Rome has departed, Persia enters, etc. We have constructed many bridges, conquered many great cities, we were engaged in many wars, all for the sake of Israel to enable them to study the law, etc. "Have we then accepted the Torah, and not fulfilled its commandments?" A Gentile who is occupied with the study of the law is likened to a High-priest, etc. "Lord of the Universe, has then Israel, who has accepted the Torah, observed it?" "Men of ye nations may come and testify that Israel has observed the Torah. Nimrod may testify, etc. There are twelve hours in a day, three hours of which the Lord is occupied with the Torah, etc. There is no smiling by the Lord, since the temple was destroyed. But in the fourth three hours He teaches, etc. There is no Gehenna in the future. But the Lord will take out the sun from its sheath, etc. If not for the fear for government the stronger would swallow the weaker, etc. Concerning the explanation of (Amos, iii. 2) said R. Abuhuh, I will do it in the form of a parable. There was once a creditor of two persons, one a friend and the other an enemy of his. It is advisable for one not to pray singly the additional benediction in the first three hours at the first day of new year. When one performs a meritorious act in this world it precedes him in the world to come. "Three days," etc. Is such a long time needed? is this forbidden because a Jew must not interfere with the idols, or because "Thou shalt not put a stone for the blind"? The prohibition to do business with them refers only to a thing which can be kept in good order until the festival day. It is advisable for one to always arrange the praises of the Ominipotent first, and thereafter to recite the daily eighteen benedictions. The following are the festivals of the heathens: Kalends, Saturnalia, Kratsin, etc. Adam the first, on the first day of his creation, when he saw the sun set, cried: "Woe is to me, the world is to be returned to chaos, etc." Thirty-two battles the Romans fought with the Greeks, etc. Twenty-six years the Romans kept their

CHAPTER II.

CHAPTER III.

CHAPTER IV.

wine, when a man came in, etc. Does a heathen render the wine prohibited by pouring water into it? Whether it is allowed to hire a heathen for conveying grapes to the wine-press of an Israelite, etc.? A heathen standing near the wine reservoir renders the wine forbidden, provided he has a lien on it, etc. If an Israelite, who has cleansed the wine of a heathen, left it on the latter's premises, etc. When and Israelite buys or rents a house in the courtyard of a heathen, etc. It once happened that Israelites bought of Sarsik, the viceroy, the grapes of a vineyard, etc. . . . 119-134

CHAPTER V.

Mishna *I.* to *V.* The wages of a laborer hired by a heathen to work with him, wine for libation are prohibited. How is it when the heathen hires a Jewish laborer to prepare wine in general? Whether or no the use of the money obtained by a heathen from the sale of an idol is all forbidden to an Israelite. Can a citizen-proselyte, a heathen settled down in the land of Israel, on having taking upon himself not to practice idol-worship only, etc. "Jews in prospect such pleasures in your paradise? Do you really mean," said the other, "that there are greater pleasures than this?" If offered wine he poured on grapes, etc. In the case when beer vinegar was intermixed with wine vinegar, or oaten yeast with wheat yeast, etc. The rule is: "a prohibited thing renders another one forbidden," etc. It once happened that a mouse was found in a barrel of beer, and Rabh prohibited the beer. Wine known as being watched, is allowed when transported from place to place by a heathen, etc. "When an Israelite leaves his wine in the wagon," etc. Jewish wine was once stored up in a house, where a heathen and an Israelite lived in the lower and upper floors, respectively, etc, An Israelite and a heathen were once at an inn sitting and drinking wine, etc. In the city of Sumbeditha thieves once intruded into a house, etc. When an army enters a town in time of peace etc. He who sells his wine to a heathen is allowed to use the money, etc. Rabh told the Jewish wine-dealers to have their heathen customers pay in advance, etc. Once an Israelite said to his neighbor: "When I make up my mind to sell this field, I will sell it to you." Later on he sold it to a third party, etc. An Israelite once said to his neighbor: "When I make up mind to sell this field, I will sell it to you for a hundred suz, etc. If the funnel was first used to measure through it into the heathens flask, etc. Devoted wine is prohibited, and renders unallowable even by a minimal quantity. If forbidden wine falls into a reservoir, and simultaneously a pitcher of water, etc. This is the rule: "When the two are of the same kind; a minimal quantity suffices, etc. For how long must the utensils remain glowing in fire, etc. "A knife is cleansed even by grinding it."

TRACT ABUDA ZARA (IDOLATRY).

CHAPTER I.

RULES AND REGULATIONS CONCERNING TRANSACTION OF BUSINESS WITH HEATHENS ON THEIR FESTIVAL DAYS; WHICH FESTIVALS ARE CONSIDERED, AND WHAT REAL ESTATE MAY BE SOLD AND RENTED, AND AT WHAT PLACES.

MISHNA *I.*: Three days before the festivals * of the heathens it is forbidden to have any business with them. One must not lend them anything (which can be useful to them) nor borrow such from them. And the same is the case with cash money, even to pay or to receive payment is forbidden. R. Jehuda, however, maintains: To receive payment is allowed, because it is a displeasure to the payers. And he was answered: Although it is *now* a displeasure, it pleases them, in the future.

GEMARA: R. Hanina b. Papa, according to others, R. Simlai, lectured: In the future, the Holy One, blessed be He, will take the Holy Scroll in hand, saying: "He who was occupied with it shall appear and receive his reward." The nations then at once will gather themselves and come motley crowded as it reads [Is. xliii. 9]: "All the people were gathered together." The Holy One, blessed be He, however, tells them: "Do not enter in such confusion, but let each nation with her scribes enter separately," as it reads further on: "Let the people † be assembled." And by the term people kingdoms are meant. [Can there be such a thing as motley before the Holy

* The term for festivals in the Mishna, is "*Aidehen*" and Rabh and Samuel are discussing this term at some length. According to one it is *Aidehen* and means misfortune while to the other it is "*Edihen*," and means "witnesses." It is because the sages of the Mishna hesitate to name the holidays of the idolators with the term "festivals." We, however, deem it not necessary to translate this discussion, as it is unimportant.

† The term for people here, is *Leum* and by an analogy of expression it is inferred to mean kingdom.

One, blessed be He? It means they themselves shall not come in confusion, so that they shall understand what will be said to them.] The kingdom of Rome will then enter first on account of its greatness. As concerning it [Dan. vii. 23]: "And will devour all the earth, and will tread it down, and grind it up." And R. Jochanan said: Rome is thereby meant, whose fame is respected throughout the whole world. But whence do we know that the more distinguished come first to judgment? It is as R. Hisda said (Rosh Hashana, p. 13). The Holy One, blessed be He, questioned her: "What was your occupation in the world?" To which she answered: "Lord of the Universe! we have established many markets, we have constructed many bath-houses, we have multiplied in great mass gold and silver, and all this was done for the sake of Israel, to enable *them* to study the Law." The Lord's answer will be: It is foolish of ye to state that all you have done was for the sake of Israel, while in reality it was but for yourselves. The construction of markets was for the purpose of prostitution. The establishment of bath-houses was for your own pleasure, and as to gold and silver, it is mine, as [Hos. ii. 8]: "Mine is the silver, mine," etc. But, are there, then, among ye those who have studied the Law? They went out in despair.

After Rome has departed, Persia enters. Because she is considered second to Rome, as [Dan. vii. 5]: "And behold, there was another, a second beast, like a bear." To which R. Joseph taught: Thereby, Persia is meant, the people of which are fleshy like bears, eat and drink like bears, are overgrown with hair, and have no rest, like bears. And to the question of the Holy One, "What was your occupation?" They will answer: We have constructed many bridges, conquered many great cities, we were engaged in many wars, all for the sake of Israel to enable them to study the Law. The reply to which will be: "All that was done by you was for your own sake." Bridges, for the collection of duties. Great cities, to establish *angaria*. And as to wars, I have conducted them. As it reads [Ex. xv. 3]: "The Eternal is the lord of war." But are there among ye those who have studied this Law? And they also went out in despair. [But, why did Persia enter, after seeing that Rome was disappointed? They thought: We may have more chance than Rome, as the latter has destroyed the holy Temple, while we have rebuilt it.] And a similar answer will be given to the other nations. But why should the other

nations enter after seeing the disappointment of the first two? They thought: The first two made slaves of Israel, which was not the case with them. But, if so, why should Rome and Persia be more honored than the other nations? They are distinguished by the permanence of their kingdoms, which will exist until the time of Messia. Finally they will say before Him: Lord of the Universe, didst thou give us the Torah and we did not accept it? But how could they say so? Is it not written [Deut. xxxiii. 2]: "The Lord came from Sinai, and rose up from Sa'ir unto them: he shone forth from Mount Paran." And it also reads [Habak. iii. 3]: "(When) God from Theman came, and the Holy One from Mount Paran." And to the question: What has the Law to do in Sa'ir and Paran? Said R. Jochanan: From this it is inferred that the Lord has presented his Torah to every nation, but it was not accepted until it came to Israel. Therefore, it is supposed that they said to Him: "Have we then accepted the Torah, and not fulfilled its commandments?" [But what answer is this. Could they not be accused because they have not accepted it?] They said thus: Lord of the Universe, hast thou inclined the mountain toward us as thou didst toward the children of Israel? (See Sabbath, p. 167, par. Ex. xix., etc.) To this the answer will come: "Let the former things shew us." [Isaiah xliii. 9] The Holy One, blessed be He, will say to them: "The seven commandments which were *given* to the descendants of Noah, have ye observed them?" And whence do we know that they have not? From that which R. Joseph taught. It reads [Hab. iii. 6]: "He stood forward, and made the earth tremble; he looked, and dispersed nations." What did He see? That the seven commandments accepted by the descendants of Noah, were not observed. And therefore He absolved the nations of them. Absolved. Should then the sinner be benefited? Said Mar b. Rabbina: It means that even should they absolve them, they would not be rewarded. Is that so? Did not R. Mair say: "Whence do we know that even a Gentile who is occupied with the study of the Law, is likened to a high-priest from [Levit. xviii. 5] "Which if a man do, shall live on it," where it does not specify priest, Levite, or Israelite, but states in general if *a man*, whence it may be inferred that a Gentile, too, who occupies himself with the study of the Law is equal to a high-priest." It means that they will not be rewarded for the observance equally with those who observe in accordance

with the commandments. As R. Hanina said: The reward for him who observes that which he is commanded, is greater than to him who observes same without being commanded. The nations will then exclaim: "Lord of the Universe, has then Israel, who has accepted the Torah, observed it?" And to the answer of the Holy One: "I testify that he did," they exclaim: "Lord of the Universe, is then a father fit to be a witness in the case of his son? Is not Israel called the son of the Eternal" [Ex. iv. 22] "My son, my first-born, is Israel." He will then say: "Let heaven and earth testify that the Torah was observed by Israel." They, however, object in saying that heaven and earth are interested in this case, and therefore are not fit to be witnesses—viz: [Jer. xxxiii. 25]: "If my covenant be not . . . the appointment with heaven and earth, would not be established." * And Resh Lakish said: It reads [Gen. i. 31]: "And it was evening, and it was morning," and this justifies the inference that the Lord made a stipulation with all that had been created in the six days to the effect that if Israel will accept the Torah, well and good, but if not I will return all of you to chaos and ruin. Then the Holy One, blessed be He, will say: "Men of ye nations may come and testify that Israel has observed the Torah. Nimrod may testify that Abraham has not worshipped idols. Laban may testify that Jacob was not suspected of robbery. The wife of Potiphar may testify that Joseph was not suspicious of sin. Nebuchadnezzar may testify that Chananyah, Mishaël and Azaryah had not bowed themselves to the image; Darius of Daniel, that he had not abolished prayer; Eliphaz the Themanite, and Bildad the Shuchite, and Zophar the Na'amathite may say of all Israel that they have observed all the Laws." They will then exclaim: "Lord of the Universe, give it to us now, and we will observe it." To which they will be answered: "He who has prepared on the Eve of Sabbath, for the Sabbath, will have what to eat. But he who has not prepared, what then will he have to eat on Sabbath? However, I have one easy, meritorious act, it is the *Sukka*, go and perform it. [Why is it called easy? Because it requires no expense.] Everyone of them, will then prepare a *Sukka* on his roof, but as soon as the sun heats it, they abandon it, and go away. But did not Rabha say that he who is afflicted by performing the command of *Sukka*, is free from this obligation? Yea, but not to reject.

* Leeser's translation does not correspond.

The Holy One, blessed be He, will then smile upon them. Said R. Itzchak: "There is no smiling with the Holy One, but on that day."

There are others who taught the saying of R. Itzchak in the following connection: R. Jose said: In the future heathens will come to convert themselves with the *Tephilin* on their heads and arms, *tchitches* on their dresses, *mazuzas* on their doors. But, as soon as they will see the war of Gog and Magog, and will question them: "With whom do you want to fight?" Whereto the answer will be: With the Lord and his Messiah [as it reads [Psalm ii. 2]: "Against the Lord and his anointed"], each of the nations will remove the above, and go away; and the Holy One will smile upon them. It is here that R. Itzchak said: There is no smiling with the Lord, but on that day. But did not R. Jehudah say in the name of Rabh: There are twelve hours in a day, three hours of which the Holy One, blessed be He, is occupied with the Torah. The next three hours, He judges the whole world, and seeing that it is liable to be destroyed, He rises from the chair of judgment and sits down on the chair of mercy. The third three hours, He supports the whole world with food, from the very largest creature to the smallest one. And the last three hours, He plays * with the *leviathan*, as it reads [Psalm civ. 26]: "Leviathan, whom thou hast made to sport therein." Said R. Nachman b. Itzchak: "With His creatures He smiles, but not upon them." R. Aha said to R. Nachman: There is no smiling by the Holy One, since the Temple was destroyed. As it reads [Is. xlii. 14].† But in the fourth three hours, he teaches the Torah to the school-children. As it reads [ibid. xxviii. 9]: "Whom shall he teach knowledge? And whom shall he give to understand doctrine? (to) those that are weaned from the milk, (to) those that are taken from the breasts." And what does He do in the night-time? If you wish, it may be said that He does the same as in the day-time. And if you wish, it may be said that He rides upon His light cloud and moves in all directions upon 18,000 worlds. As it reads [Psalm lxviii. 18]: "The chariots of God are two myriads; thousands of angels (follow him)." And if you wish, it may be said that He is sitting and

* The term for this word is *sh'hok*, which means both sport and smile, hence the objection.

† The translation of this verse does not correspond at all, it is therefore of no use to quote it.

listening to the song of the angels, as [ibid. xlii. 9]: "And in the night his song shall be with me."

R. Jehudah said in the name of Samuel: It reads [Hab. i. 14]: "And (why) makest thou men as the fishes of the sea, as the creeping things, that have no ruler over them?" Why are men compared with fish of the sea? To wit: even as the fish die as soon as they are taken on land, so do men die when they separate themselves from the law of the Torah. Another explanation: as fish die from the strong heat of the sun, so also do men. If you wish it may be said in this world, and this would be in accordance with R. Hanina, who said: "Everything is decreed by heaven, except cold" (see Middle Gate, p. 285). And if you wish it may be said, in the world to come, and this is in accordance with Resh Lakish, who says: There is no *Gehenna* in the future. But the Holy One, blessed be He, will take out the sun from its sheath. The wicked will be punished with its heat, and the upright be cured by it. As it reads [Malachi, iii. 19]: "For, behold, the day is coming, which shall burn as an oven; and all the presumptuous, yea, and all who practice wickedness shall be stubble: and the day that is coming shall see them on fire, . . . who will not leave them root or bough. (20) But there shall rise unto you that fear my name, the sun of righteousness with healing in his wings." Furthermore, the latter will have pleasure and become fat from it, as the end reads, "And ye will go forth, and grown fat as calves of the stall."

There is another explanation, "as fish in the sea," the larger one swallows the smaller, so also is it with men, since if not for the fear for government the stronger would swallow the weaker. And this is what a Mishna states: "Pray for the peace of the government," etc. (See Aboth, p. 72.)

R. Hinna b. Papa propounded a contradiction to the following [Job, xxxvii. 23]: "The Almighty we do not find him out excellent in power."* And [Ex. xv. 6]: "Thy right hand, O Lord, is become glorious in power." And also [Psalm cxlvii. 5]: "Great is our Lord, and abundant in power"? This presents no difficulty: At the time of judgment, He does not use his might; but in time of war, He uses it.

Rabha said [Job, xxx. 24]: "But doth not a man stretch out

* Leeser's translation, according to the sense, does not correspond with the Talmud who takes it literally.

his hand among *ruins?* or doth one not cry out therefrom when he meeteth his downfall?" So said the Holy One, blessed be He, to Israel. By judging Israel, I do not treat them in the same manner as I do heathens, which is mentioned in [Is. xxi. 32]: "Overthrown, overthrown. . . . I will render it." But I punished them as the picking of a chicken. And according to others: "Even if Israel do but small good deeds, as the picking of chickens in the dunghill, I will combine them into one large sum." Another explanation: "I help them because of their praying to me. And this is what R. Aba said: It reads [Hos. vii. 13]: "Though I desired to redeem them, they yet spoke lies against me." *I.e.*, I thought: I will redeem them by loss of money in this world, for the purpose of rewarding them in the world to come. And they told lies about me. And the same said R. Papa in the name of Rabha: The inferring it from [ibid., ibid. 15].

R. Abuhuh introduced R. Safra to the *minim* (who were appointed by the government to collect duties) as a great man. And they freed him from duty for thirteen years. Once they met him and asked him to explain the following [Amos, iii. 2]: "Only you have I loved out of all the families of the earth: therefore will I visit upon you all your iniquities." If one is in bad humor, will he let it out on his friend? He kept silent, as he was ignorant of the answer. And they inflicted upon him. R. Abuhuh then met them, to ask for the reason. And they answered: You introduced him as a great man, while he does not even know the explanation of a passage. Rejoined he: "I told you he was a scholar, but did I say that he was a master in the study of the Bible?" And to their question: Why are *you* familiar with it? He answered: "Because we have to discuss with you frequently, we give our attention to it." They say: It is for you, then, to explain the above-mentioned passage. And he answered thus: I will do it in the form of a parable. There was once a creditor of two persons, one a friend, and the other an enemy of his. From his friend, he demands to be paid in small sums, while from his enemy he demands the whole debt at once. (And the same is the case with Israel: He clears them of all their iniquities by small punishments in this world, so that they shall not have to suffer in the world to come.)

The rabbis taught: The Lord becomes angry every day, but only during one instant, which is the fifty-three thousand eight hundred and forty-eighth part in one hour; and there is

no creature in the world who is able to guess this moment, except Bil'am, about whom it reads [Numb. xxiv. 16]: "Knoweth the knowledge of the Most High." Which means that he knew how to guess the second in which the Lord becomes angered. (See Sanhedrin, p 339.)

R. Joseph said: It is advisable for one not to pray singly the additional benediction in the first three hours at the first day of new year, for, the heavenly judgment takes place at that time, and because of his praying attention may be given to his deeds, and he may get an unfavorable decree. But if so, one should not do it even with the congregation together? With the congregation is different, as the attention is given to their deeds in average. But was it not said above that in the first three hours the Lord is engaged in the Law? Yea, however, by the Torah, in which truth is mentioned [Prov. xxiii. 23]: "Buy the truth," judgment cannot be modified. But concerning judgment, truth is not mentioned, and therefore the Holy One, blessed be He, modifies it.

R. Joshua b. Levi said [Deut. vii. 11]: "Which I command thee *this day*, to do them," means *to do* it to-day, but not to be rewarded for it to-day. He said again: "All the performance of the commandments which Israel observed in this world, will come and testify for them in the world to come." He said again: The crime of the golden calf was committed only to give a chance to the repenter. As it reads [ibid. v. 26]: "Who would grant that this their heart might remain in them to fear me at all times." (Hence, they were not fit to commit a crime.) Similarly said Johanan in the name of R. Simeon b. Jo'hai: David was not fit to commit the crime with Bath Shaba, as concerning him it reads [Psalm, cviii. 22]: "My heart is deeply wounded within me." And also Israel was not fit for the above crime, for the reason said above. And why was it committed? For the benefit of sinners. If it happens to be an individual, it may be said to him: Repent, as the individual David did. And if it happens to be a congregation, they also may be told to repent, as the congregation of the desert did. And this is what R. Samuel b. Nachman in the name of Jonathan said: It reads [II Sam. xxiii. 1]: "And thus saith the man who was raised up on high" (the term in Hebrew for high is *ol*, which means also yoke), and is to be interpreted thus: The man who had raised the yoke of repentance. The same said again in the name of the same authority: When one performs a meritorious act in this world, it pre-

cedes him in the world to come. As it reads [Is. lviii. 8]: "And before thee shall go thy righteousness, the glory of the Lord shall be thy reward." And the same is the case with him who commits a crime in this world, that it clings to him and goes before him on the day of judgment. As it reads [Job, vi. 18].*

The rabbis taught: Concerning the above-cited verse [Deut. v. 26]: Moses said to Israel: Ye are ungrateful my children, as at the time, the Holy One, blessed be He, said to you: "Who would grant," etc., ye ought to say: Thou, Lord, grant it to us. Your ungratefulness is also marked from [Numb. xxi. 5]: "And our soul loathed this miserable bread." Ye are also children of an ungrateful, as it reads [Gen. iii. 12]: "The woman whom thou gavest to be with me, she gave me of the tree," etc. Moses, however, hinted this to Israel only after the forty years in which he led them in the desert. As in respect of that time it reads [Deut. xxix. 3]: "And yet the Lord gave you not a heart to perceive," etc. Said Rabha: "Infer from this that one cannot know the real mind of his master, until the elapse of forty years."

R. Johanan said in the name of R. B'naha: It reads [Is. xxxii. 20]: "Happy are ye that sow beside all waters, freely sending forth the feet of the ox and the ass." Happy is Israel at the time when he is occupied with the Torah and with bestowing of favors; as his evil spirit is then transferred into his hands, and not *vice versa*. And this is inferred from the just-cited verse, "that sow," which means charity, as [Hos. x. 12]. And "by water" it means the Torah, as in [Is. lv. 1] means the Torah. And "by freely sending forth," etc., is meant, what the disciple of Elijah taught. One should always consider himself in his relation to the laws of the Torah, as an ox to its yoke, and an ass to its load.

"*Three days*," etc. Is such a long time needed? Does not a Mishna state: At four periods in the year, he who sells a cow to his neighbor must notify him thus: I have sold her mother or her daughter to be slaughtered. (It is biblically forbidden to slaughter the mother and her child on one and the same day), and they are: the Eve of the second festival of Tabernacles, the Eve of the first day of Passover, the Eve of Pentecost, and the Eve of New Year. According to R. Jose the Galilean: Also

* We do not quote the passage, as the translation of it does not at all correspond.

the Eve of the day of Atonement in Galilee. (Hence, we see that only one day is sufficient.) Where eating is treated of, one day suffices, but where sacrificing is treated of three days are needed. Are, then, three days sufficient for sacrificing? Is there not a rule that thirty days before Passover are needed to study the laws of this festival? Concerning our sacrifices, which even a blemish in the eye-lash makes invalid, thirty days are needed for studying the Law. But concerning the heathens, that only a missing limb of an animal makes it invalid. But not a blemish, three days suffice.

The schoolman propounded a question as to whether or not the statement of the Mishna, " three days," include the festival day also? Come and hear. R. Ismael said: " Three days before and three days after their festivals." Now, should it mean to include the festival day, would, then, R. Ismael count *it* twice, to the first and to the last days? This is no objection, as the number three, mentioned last, may be used merely because of the first. Come and hear the following: R. Tachlipha b. Abdimi in the name of Samuel said: If their festival occurs in the middle of the week, it is forbidden to do business with them the whole week. Now, if that day were included, one day of the week would be allowed. There is no question, according to R. Ismael, as he certainly excludes that day, but how is it the question is according to the rabbis? Come and hear: The following are the festivals of the heathens: *kalends, Saturnalia* and *kratsim*. And R. Hanin b. Rabha said: *Kalends* occurs eight days after the solstice, and the *Saturnalia* eight days before. Now, if the festivals were included, it would be said ten days? Perhaps the Tana counts the whole festival of *kalends* for one day. Said R. Ashi: From the expression of the Mishna, " before," it may be inferred that it means to exclude the day in question. For if not, it would state three days of their festivals, etc. Infer from this that so it is.

The schoolmen propounded a question: Is this forbidden because a Jew must not interfere with the idols, or because of the commandment, " Thou shalt not put a stone for the blind " ? And the difference is in whether or not the heathen has his own animal for sacrificing. If because of interfering, it is forbidden, but if because of the latter, it is not, as he has his own. But even if he has his own, the above negative rests upon him, as R. Nathan states in a Boraitha: Whence do we know that one must *not* serve a goblet of wine to a Nazerite nor a member

of a live animal to a descendant of Noah? from [Levit. xix. 14], "Nor put a stumbling-block before the blind." We see then, that though these two would each take the forbidden even if not offered, nevertheless he who serves therewith commits a transgression, it speaks of a case when the two, giver and receiver, are separated, by *e.g.*, a river, so that if not served he could not take it himself; and the word serve instead of give seems to corroborate this view. The schoolman propounded another question: How is it if he had done business with him in the prohibited days? According to R. Johanan: The benefit which he derived from the business is forbidden, and according to Resh Lakish, it is not. Resh Lakish objected to R. Jochanan from the following: In the festivals of heathens, if one had business with them, the derived benefit is forbidden. We see that thus the festivals, as such are meant, but not the time before. R. Jochanan, however, maintains: That in the expression "festivals" the days before are also meant.

There is a Boraitha in accordance with Resh Lakish: The prohibition to do business with them refers only to a thing which can be kept in good order until the festival day, but not otherwise. And even concerning the former, if it was already done, the benefit is allowed.

R. Zabid taught in a Boraitha of R. Osia: A thing which cannot be kept in good order may be sold to, but not bought from, them. There was a minn who, in his festival, sent a new *dinar* to R. Jehudah the second. Resh Lakish was then at the latter's house, and Jehudah consulted him as to the acceptance of it. If he accepted he would transgress the rule of interfering, while his refusal would cause animosity. Said Resh Lakish to him: Accept, and throw it away in the presence of the donor. To which R. Jehudah rejoined: Then I will cause still more animosity. Rejoined Resh Lakish: I mean that you should throw it in such a manner that he should think it was done unintentionally.

"*To lend them or to borrow.*" The prohibition to lend them is correct, because it pleases them. But why is it forbidden to receive payment from them; does it not diminish their property? Said Abai: If it were permitted to receive from them, one would be led also to lend them. Rabha, however, maintains: Both are prohibited only because of interfering.

"*Because it is a displeasure.*" Does not R. Jehudah hold the view: That it pleases him in the future. We have heard

him say elsewhere that he upholds such a theory concerning Jewish festivals? Said R. Na'hman b. Itzchak: Leave alone the Halakhas of minor festivals, as they are allowed only upon the basis of "it pleases him in the future, although it is a displeasure to him while performing it." Rabbina, however, maintains: A heathen is always displeased at a payment. Our Mishna is not in accordance with R. Joshua b. Karcha of the following Boraitha, who said: If the lender had a document, he must not receive payment at that day. But if it was a verbal loan, he may, as it is a rescue. (Here is repeated from the First Gate, 229 par., "R. Jehudah says," to p. 30 next par.) *

MISHNA *II.*: R. Ismael said: Three days before and three days after it is prohibited. The sages, however, say: Before the festivals, but not after them.

GEMARA: What new views do the sages of this Mishna advance. Was same not said by the first Tana of the first Mishna? They differ in what was said by Samuel: "In exile, the prohibition refers to the day of the festival only." The first Tana upholds the theory of Samuel, which the sages of the latter Mishna do not. It may also be said that they differ in that which was said by Na'hum the Modaite. The prohibition is imposed only upon one day before their festival. And in this case, the Tana of the first Mishna does not agree with him, while the sages of the second do. There is a Boraitha which states that as regards the decision of Na'hum the Modaite, it was said: It is better that such should be dropped and not repeated. There is another Boraitha; Na'hum the Modaite said: An old male horse may be sold to them in case of war. And he was also answered: Such may be dropped, etc. And there is another Boraitha: That the same declared a Halakha concerning tithe, seeds and herbs, and was also answered: It may be dropped, etc. Said R. Aha b. Minumi to Abai: Is it right that everything declared by so great a man who comes into our country be annulled by mere exclamation such as above? And he answered: There is one thing of the following Boraitha, on which we act according to his decision—namely, Na'hum the Modaite says: One may pray for his necessities the benediction of, "He listens to prayer." Rejoined R. Aba: Leave alone this Halakha which relies not upon Na'hum the Modaite only,

* In text many things on which the Halakha prevails according to R. Jehoshua b. Kar'ha are gathered, though they do not belong to this tract at all; and as all of them are mentioned, each in its proper place, they are omitted here.

but upon the discussion of great men in the following Boraitha: R. Eliezar said: One should beg for his necessities first, and thereafter he shall recite the daily benediction. As [Psalms, cii. 1]: "A prayer of the afflicted, when he is overwhelmed, and poureth out before the Lord his complaint." * R. Joshua, however, maintains: One has to recite his benediction previously, and thereafter pray for his necessities. As [Psalms, cxlii. 2]: "I poured out my *shicho* before him, I relate before him my trouble." (Hence, the trouble is related after the benediction.)

Let us see: The passages do not correspond with either of them; hence, there must be some other reason. Wherein, then, is their point of difference? In that which was lectured upon by R. Simlai: It is advisable for one to always arrange the praises of the Omnipotent first, and thereafter to recite the daily eighteen benedictions. And this can be inferred from Moses, our master [Deut. iii. 24]: "Thou hast begun to show," etc., and thereafter (25): "Let me go over, I pray thee." R. Joshua maintains: We may learn it from Moses, but R. Eliezar holds that we cannot compare ourselves to Moses, and must not dare to do like him. The sages, however, maintain differently from both: As according to them, one may pray for his necessities in the benediction of, "He listens to prayer." Said R. Jehudah b. R. Samuel b. Shilath in the name of Rabh: Although it was decided that one may pray for his necessities in the benediction of "listen to prayer," yet if he understands how to express his desire at the end of each benediction (conjoined in the daily eighteen benedictions), he may do so.

MISHNA *III.*: The following are the festivals of the heathens: *Kalends, Saturnalia, kratsin.* The accession of their kings upon the throne, their birthday, and the day of their death. So R. Mair. The sages, however, maintain that only such a death on which burning (dresses) is used, is conjoined with worshipping the idols. But in such on which it is not used, there is no idolatry. All, however, agree concerning the following days: That of shaving his beard and hair, that in which he lauds, that on which he was released from prison, and that on which is celebrated a marriage of his son that the prohibition concerns only one day, and the only one man engaged in this affair.

GEMARA: The rabbis taught: Adam the first, when he saw

* The word complaint is termed by *shicho*, which means "prior" according to the Talmud concerning Isaac in [Gen. xxiv. 63] where the same term is used.

that each day of the week became shortened, cried: Woe is to me, the world becomes dark to me because of my sin, and it seems to be returned to chaos and ruin. And this is my death which was decreed by heaven. He arose and fasted and prayed eight days. Thereafter, when he lived to see the solstice of the month of *Tabit*, when the days become longer, he understood that such is the cycle of the world, and therefore established eight holidays. The next year, he also proclaimed the eight days on which he had fasted as holidays. He has established them to laud heaven; his descendants, however, made them holidays for the idols.

The rabbis taught: Adam the first, on the first day of his creation, when he saw the sun set, cried: Woe is to me, the world is to be returned to chaos, because of my sin, etc. He wept all night, and Eve did the same opposite him. However, when the morning star appeared, he understood that such was the order of the world. He arose and sacrificed an ox, whose horns were like its hoofs.

R. Mathna questioned: Are the small towns under the dominion of Rome and near to the capital, prohibited, at the time Rome celebrates its *kalends*, or not? According to R. Jehoshua b. Levi, the festival *kalandes* is forbidden to everyone. And according to R. Johanan, it is forbidden to interfere with those who worship her only. There is a Boraitha in accordance with R. Johanan as follows: Although it was said that if Rome established a *kalandes*, and all the near cities which are under her dominion supported her, the prohibition of interfering concerns only its worshippers. On *Saturnalia*, *kratsin*, the day of the throne and the day in which he ascends to reign, only one day before, interfering is prohibited; but not the day after. During the celebration of the son's marriage the interfering is forbidden to this man, and on that day only. Said R. Ashi: The statement of R. Johanan is also hinted at in our Mishna by the expression "and that man," which excludes those who are under his dominion. (Here is repeated from Aboth, p. 94, ¶ . R. Simeon b. Eliezar said the whole par.; here, however, it is said in the name of R. Ismael. (The Gemara adds): It is therefore decided that if a heathen invites one during thirty days from his son's wedding, the invitation being special to the wedding, or anonymous, it is considered a wedding day, and the interfering is not allowed. At the elapse of thirty days, if the invitation was specific of the wedding, it is so considered; and

if anonymous, it is not. Until what time is it considered wedding time in the case of a special invitation? Said R. Papa: Twelve months. And previous to the wedding, at what time is to be considered? From the time when they put the barley in the pestle for preparing beer.

"*Kratsin.*" What festival is this? Said R. Jehudah in the name of Samuel: It is the day on which Rome has established her kingdom. But is there not a Boraitha: *Kratsin* and the day on which Rome has established her kingdom? (Hence *kratsin* must be something else.) Said R. Joseph: Rome has established her kingdom twice. Once in the days of the Queen Cleopatra and the second time in the day of the Greeks. As R. Dimi told when he came from Palestine: Thirty-two battles the Romans fought with the Greeks, and could not conquer them until they had conjoined the Israelites with them, under the stipulation that if the kings were of one nation, the great officers of the government should be taken from the others. And then the Romans sent a message to the Greeks: Until now we have tried to conquer you by battles, but now we will try to do it by a discussion. We may ask you, if one likes to conjoin a pearl with a diamond, which of them shall be the basis? And they answered: The pearl to the diamond. A diamond and an onyx? The diamond as a basis, was the answer. An onyx and the Holy Scrolls? The onyx to the Holy Scrolls, was the answer. Then they sent to them: "Now, the Holy Scrolls with the Israelites are with us." (And the Greeks were conquered.) Twenty-six years the Romans kept their promise to Israel, and thereafter they failed, and took the Israelites under their dominion. Whence do we know that they were true to their promise twenty-six years? From what was said by R. Ka'hana. When R. Ismael b. Jose was sick, it was sent to him that he should recite a few things which he related in the name of his father. And his answer was this: A hundred and eighty years before the Temple was destroyed, Rome had thrust her dominion upon Israel. Eighty years before the destruction, it was decreed by the sages that the land of the nations outside of Palestine should be subject to defilement. Forty years before, the Sanhedrin were exiled from their place and settled in shops. (Here is repeated from Sanhedrin, p. 121, concerning the establishment of fine.) The text says 180 years, and not more? Does not a Boraitha state in the name of R. Jose the great: Palestine was under the dominion of Persia 430 years; under the Greek, 180

years; the house of the Makabaius reigned 103 years and the house of Herod reigned likewise 103 years. Now, according to this chronology there will be 206 years for the dominion of Rome over Israel.* Therefore, we must say that the 26 years in which they were true to their promise are not counted under their dominion. There is a Tosephtha: The disciples of Elijah taught: The world will continue for six thousand years, the first two thousand of which were a chaos (*Tahu*), the second two thousand were of Torah, and the third two thousand are the days of the Messiah, and because of our sins many years of these have elapsed, and still he has not come.† Let us see from what time the two thousand of Torah are reckoned. Shall we assume it to be the time when the Torah was given to Israel? Two thousand years have not elapsed as yet since.‡ We must therefore say that it means the time mentioned in [Gen. xii. 5]: "And the persons that they had obtained in Charan." And it is known by tradition that Abraham was then fifty-two years of age. And from his fifty-second year until the Torah was given, 448 years elapsed, and that number will complete the number of 2,000 which were less at the time the Tana taught about the 2,000 years of wisdom.§

"*The accession to the throne.*" Whose accession? If it means the king's, how should the following Boraitha be understood? "The ascending to the throne, and the day on which they select the king," which seems to be one and the same. We must say, therefore, that by accession that of the king's *son* is meant. And the objection that it was not customary in Rome the son should inherit the throne, may be thus meant: That upon the request of the king, they were now to affiliate it to the son. As it happened with Antoninus (the Cæsar of Rome), who said to Rabbi: I would like that Asurius, my son, should reign after me, and also that Tiberius should be free from duty. But I am aware that if I will ask my people to do me one favor, they will, but not two.

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* We do not quite understand how to make out 206 years according to this account. Rashi's explanation does not suffice, and all other commentators keep silent. The Gamara itself was in doubt, concerning this account, as R. Papa said in text. We have, however, omitted it, leaving the whole affair to the historian.

† There are a few lines repeated here from Sanhedrin, p. 303, to which we could not refer because of the continuation in text.

‡ The reader must not forget that this was said fourteen centuries ago.

§ This account remains very complicated, notwithstanding Rashi's attempt to explain it. And as it seems to us unimportant, we have omitted the whole discussion.

What have I to do? Rabbi, who did not want to answer his question in words, told a man to mount upon the shoulders of another one, and having given him a dove, said to the other one, tell him who is mounted upon you to let the dove free. From this Antoninus understood that he had to request his people to proclaim his son king after him, and to instruct his son that he should set Tiberius free. Once the same said to Rabbi: The officers of Rome irritate me. (What shall I do?) Rabbi asked him to walk with him in the garden, and began to tear out the large radishes of the beds, planting smaller ones instead, by which Antoninus understood that he intimates the necessity of removing the old officers little by little and not all at once, so as to prevent a rebellion. But why did not Rabbi answer him in words? He was afraid that the officers of Rome would get wind of it and would harm him. The same Cæsar had a daughter by the name Girah, and it happened that she sinned. Antoninus then sent to Rabbi white mustard, which is called in Aramaic *gargira* (whence Rabbi understood that something happened with Girah). He sent him in answer a seed by the name of *khusbratha*, the meaning of which in Aramaic is *khus bratha* (remove the daughter). Antoninus again sent him garlic, named in Aramaic *karthi*, from which Rabbi understood that he questioned him: Shall I cut off my child? And in answer he sent him lettuce, which is named *chassa*, which means have mercy with her.

Antoninus used to send to Rabbi frequently pieces of pure gold in leather sacks covered with wheat. And to the objection of Rabbi: I have too much of my own, he exclaimed: Leave them to him who will substitute thee, that he shall spend it to please those who will reign after me. From the house of Antoninus, there was a cave which reached the house of Rabbi, and each time that he went to the house of Rabbi through this cave, he would take with him two slaves. One he used to kill at the gate of Rabbi, and the other when he returned, at his own gate. He, however, told Rabbi that at the time of his visit no one should be found with him. It once happened that he found Hanina b. Hamana with him, and to his question: Did not I say that no one should be found with you during my visit? Rabbi answered: This is not a human being. Said Antoninus to Hanina: Go and call for me the slave who sleeps at the gate. Hanina, however, found him dead, and he deliberated what to do: shall he go to tell him that he is dead? There is a rule that

one must not answer with degradation; should he leave him and go away? This would be a disgrace to a king. He therefore prayed, and the dead became alive, and he then sent him to his master. Said Antoninus to Rabbi: I am aware that even the smallest of you is able to bring the dead to life. However, I want that when I come here, I should not find a living soul with you. He used to serve Rabbi in all his needs, and he once questioned him if he would have a share in the world to come. To which Rabbi answered, "yea." Said he: Does it not read [Ab. i. 18]: "And there shall not be anyone remaining of the house of 'Eseau." It means he who acts like 'Eseau. But, it reads [Ezek. xxxii. 29]: "There are Edom, her kings, and all her princes," etc. The answer was, it reads kings, but not all her kings. Princes, but not all of them. So also we have learned in the following: "Her kings, and not all of them, *i.e.*, exclude Antoninus b. Asudius. Her princes and not all of them, excluding K'tiha b. Shalum."

What happened with the latter? There was a Cæsar who disliked the Jews, and he asked the advice of his officers: Should he who has a fibre in his foot cut it off and be at ease, or should he leave it and be afflicted? And the advice of them all was, that he should cut it off and remain at rest. K'tiha, however, who was one of them, objected, saying: First you cannot get rid of all the Jews, as it reads [Zech. ii. 10]: "For as the four winds of the heaven have I spread you abroad, saith the Lord."* And secondly, your kingdom will be considered mutilated, and one that kills its own subjects. The king then said: Thy advice is true, but there is a law that he who concurs the king, must be thrown into the furnace. When they took him to be slain, he said: I bequeath all my property to R. Aqiba and his colleagues. A heavenly voice was then heard: K'tiha b. Shalum has a share in the world to come. Rabbi then wept and said: Here we have a man who has bought his world in one moment, while another one has to work for it all his life.

Antoninus served Rabbi; Adarkhan (a Persian Prince) served Rabh. When Antoninus departed, said Rabbi: Our union broke, and the same said Rabh when Adarkhan departed.

Unklus b. Klenimus embraced Judaism, and the Cæsar sent militia to take him. He, however, persuaded them, and they also became proselytes. He then sent other militia, warning

* For the explanation, see Taanith, p. 4.

them that they should not converse with him. When they took him and were going, he said to them: I will tell you something; usually the torch-bearer carries the light in front of the litter, the chief *lecticarius* (behind the litter, carries the light) for the *dux*, the *dux* for the *hegemon*, the *hegemon* for the *comes*; but does the *comes* carry the light before the people? And they answered, No. Said he: The Holy One, blessed be He, carries light before Israel as it reads [Ex. xiii. 21]: "And the Lord went before them in a pillar of cloud," etc. And they also became proselytes. The Cæsar then sent other ones after him, telling them not to talk to him at all. But when they took him, he saw a *mazuzah* on the doorpost, and said to them: Do you know what this is? They answered: No, but you may tell us. He then said: It is customary with a human king that while he is sitting inside of his palace his servants guard him outside. With the Holy One, blessed be He, it is the contrary. His servants are inside, and He guards them from the outside, as it reads [Psalm cxxi. 8]: "The Lord will guard thy going out and thy coming in," etc. Then these became proselytes, too, and the Cæsar did not send any more after him. It reads [Gen. xxv. 23]: "And the Lord said to her, two nations are in thy womb." Said R. Jehudah in the name of Rabh: This means Antoninus and Rabbi, upon whose tables were not missing lettuces, cucumbers and radishes, summer as well as winter. As the master said: The radishes masticate the food in the stomach, lettuces overturn it, and cucumbers extend the gut. But have not the disciples of Ismael taught that cucumbers are as harmful to the body as swords? This presents no difficulty, as one speaks of large ones, and the other of small ones.

"*The day of death,*" etc. From this we see that R. Mair makes no difference between a death, to which burning is, and that to which it is not, used; in both cases as according to him, idols are worshipped there. Hence the burning is not a custom of the Amorites, which the Israelites are prohibited from. And the rabbis who oppose R. Mair hold that it is a custom. Why then do *we* use burning? As there is a Boraitha that one may burn things for the death of kings. Therefore, as to burning, we must say, all agree that it is not considered a custom, but an act of honor. The rabbis, however, hold that worship of idols takes place only in cases where there is burning. While according to R. Mair, it is worship in both cases. Where do we find that burning is used for kings? [Jer. xxxiv. 5]: "In peace

shalt thou die and as burnings were made for thy fathers," etc. And as they burn for kings, so also do they for princes. What they used to burn upon kings? Their beds and all the utensils which were used by the deceased. And it happened on the death of Raban Gamaliel the elder, that Unclus the proselyte burned clothing worth seventy *manas* coined in Zur.

"*The day of shaving his beard,*" etc. The schoolman propounded a question: Does the Mishna mean the shaving of his beard and the surrounding of the hair (which they used as a worship for the whole year, and at the end they used to remove for the same purpose) or do they mean the removing of the hair? Come and hear the following: The day of shaving the beard and leaving the hair and also the day of removing it.

R. Jehudah in the name of Samuel said: There was still another festival in Rome which occurs once in seventy years, on which they would make a well man ride on a lame man, dress him in the garments of Adam, and place on his head the scalp of R. Ismael, etc.; on his neck was suspended gold of the weight of four *zuz*. And they cover the markets with it, heralding before him: *sakh quiriphlaster.** The brother of our Lord is a deceiver. (They mean Jacob, the brother of Eseau, who deceived the latter by taking away the blessing of Isaac to himself.) He who saw this now may be rejoiced, as if not to-day, he will not see it any more (because it was once in seventy years), and they would finish with: Woe will be to him at the time the other will arise. But why does not the Tana of our Mishna count this feast? Because he counts only what is usual each year, and not what happens once in seventy.

R. Hanan b. R. 'Hisda or R. Hanan b. Rabha in the name of Rabh said: There are five houses of idols; the house of Beil in Babylon, the house of Nebu in Khursi, of Tharetha in Mapag, Zripha in Askkilon, and Nishra in Arabia. When R. Dimi came, he said: It was added to them the yared of An Bekhi of Ekha of the town of N'dbkah. All these houses were standard, and were worshipped the whole year. So said R. 'Hisda in the name of his father-in-law.

It is said above, that according to Samuel: In exile it is for-

* To the explanation of these peculiar words, we give the following of Jastrow Dictionary: an alleged proclamation made in Rome on the occasion of a sort of secular game, and intended as a satire of Eseau (Rome) on his brother Jacob (Judaism). The interpretations of commentaries (sakh *number* of years predicted for the coming of the Messiah, or sakh *brother*) are unsatisfactory.

bidden only the very day of the festival, not the day before and after. But even on that day did not R. Jehudah allow R. Brona to buy wine and R. Giddle to buy wheat in the festival of the merchants? Such a festival is different, as it is not standard.

MISHNA *IV.*: In a city where the idol is placed, interfering is forbidden inside, but not outside. And if outside, the inside is not forbidden. May one go to the city at that time? If the way leads to the idol only, it is forbidden, but if it leads also to another place, it is not.

GEMARA: What is meant by outside is, *e.g.*, the bazaar of Gaza. Resh Lakish questioned R. Hanina: Is indeed the bazaar of Gaza permitted? And he answered: Did it not happen to you to be in Zur where you could see an Israelite and a Gentile putting their pots upon one stove, and the sages did not object. The same is the case with the bazaar of Gaza; the sages did not care to forbid this because of these festivals.

"*May one go to the city*," etc. The rabbis taught: A city in which an idol is placed, one must not enter, nor pass from it into another city. So R. Mair. The sages, however, say: The prohibition lies when the way is specified to that place only, but not otherwise. If a thorn sticks in one's foot at that place where the idol is standing, he must not bend to take it out, because it would seem as bowing to the idol; but if it does not seem so, he may. And the same is the case if one's money scattered near that place. From a spring which runs before the idol, one must not bend to drink for the same reason, unless it does not seem as if bowing to the idol. If an aqueduct is placed in the idol, one must not put his mouth to it, as it would seem like kissing it. However, it is not advisable to put one's mouth to any duct, as one may swallow a leech.

The rabbis taught: One may not drink water from rivers or ponds either with his mouth or with one hand (as he cannot discern anything in it with both hands; however, he can keep the water, and examine it). And if he did so, he would be responsible in case he swallowed a leech, which is dangerous, and this is a support to R. Hanina, who said: That for such an accident it is allowed to violate the Sabbath by warming water; and also R. Ne'hamaia allowed to do same in such a case. And R. Huna b. Jehoshua said: That if such happened, he may drink vinegar until the water is warmed. R. Idi b. Abin said: He who has swallowed a bee, cannot be cured. However, he may drink some strong vinegar, perhaps this will give him time to make his will.

MISHNA *V.*: If, during an idol festival in the city, some stores were there decorated, one must not buy from these stores, while he may from the others, as such a case happened in the city of Beth Shean, and the sages have so decided.

GEMARA: Said Resh Lakish: The prohibition lies only on those which are decorated with roses and myrtles, because the odor pleases him, but not to those which were decorated with some other fruit. And the reason is [Deut. xiii. 18]: "And there shall not cleave to thy hand aught of the devoted things." Which signifies that it is prohibited only to derive any benefit for himself, but not to benefit others. R. Johanan, however, maintains that the prohibition lies also on those which are decorated with fruit, as such conclusion can be drawn *a fortiori.* If deriving benefit *from* them is forbidden, so much the more should it be, to benefit them. An objection was raised from the following: R. Nathan said: It is usual in the day of the idol to herald: everyone who will decorate his head and the heads of his animals for the honor of the idol will be freed from duties for such and such a time. What had then a Jew to do? Should he decorate, then he derives benefit from the idols; should he not, then he benefits them. From this it was said: He who is doing business in the market established for the idol, his property must be destroyed in such a manner that no one should be able to derive any benefit of it. We see, then, that to benefit is also prohibited, and this contradicts Resh Lakish's above statement. Said R. Mesharshia b. R. Idi: Resh Lakish hold that the rabbis differ with R. Nathan, and the Halakha prevails with the majority, while R. Johanan holds that they do not differ. (Here is repeated from tract Minor Festivals and Abel Rabbathi, which we deem not necessary to translate.)

R. Jacob bought shoes on such a market day, and R. Jeremiah bought bread. Each of them bought from a private man, not from a storekeeper. However, each one thought that his colleague bought from a storekeeper, and rebuked each other because of the statement of Aba b. R. 'Higya b. Aba: That the prohibition to buy lies only from a storekeeper, but not from a private, as a private does not pay any duties. He also said that if R. Johanan were in such a place where they take duties from a private also, he would forbid to buy even from a private. The above-mentioned sages, however, bought their goods from such a private who was not established at that city, and, therefore, they were sure that he does not pay duties.

MISHNA *VI.*: The following are forbidden to be sold to the heathens: Fir-cones, white figs on their stems, frankincense, and a white cock. R. Jehudah, however, said: That a white cock may be sold among other cocks, and if singly, he has to cut off a finger of it, because the heathens do not sacrifice an animal of which an organ is missing. All other things may be sold anonymously, but if they say that they buy it for worshipping, one must not sell. R. Mair, however, forbids to sell them fine date trees, sugar-canes, and a variety of dates.

GEMARA: "*Frankincense*," said R. Itzchak in the name of Resh Lakish: Only the best frankincense which is used for worshipping, and there is a Boraitha: That from all the things mentioned above, one bundle may be sold; and what is to be considered a bundle? Explained R. Jehudah b. Bathyra: No less than three manas worth. But why not fear perhaps the buyer will sell of it for worshipping? Said Abayi: We are told not to put a stone before the blind, ourselves, but we are not told that we should fear some other one should do same with our stone. (The prohibition is, because one must not assist a sinner, and worshipping idols is a sin even to the heathens.)

"*A white cock*," etc. R. Jonna in the name of R. Zara according to others quoting R. Zebid, said: If the buyer is searching for a cock anonymously, even a white one may be sold to him. But if he asks for a white cock, then such must not be sold. There is an objection from our Mishna. R. Jehudah said: It may be sold among others. Now, let us see the nature of the case. If the buyer ask for a white cock, then certainly it must not be sold even among others; we must then say that he asks for a cock in general, and notwithstanding this, is allowed to sell it among the others, but not singly, even according to R. Jehudah. And according to the first Tana, not even among the others? Said R. Nahman b. Itzhak: The Tanaim of our Mishna speaks of a case when the buyer mentioned a black, red and white one. According to the first Tana, as soon as white is mentioned, it must not be sold even among others, and according to R. Jehudah, it may, on the supposition that as the other colors are not for sacrificing, the white is not either. But if color was not mentioned at all, even according to the first Tana, the white may be sold among other colors. And there is a Boraitha in accordance with R. Na'hman b. Itzchak, as follows: R. Jehudah said: The prohibition is in force only when the buyer says, Sell me this white cock; but if he said, Sell me this

and other colors you have, it is not. And even in the former case, if the buyer has a sick person in his house, or he is preparing a banquet for his son, it is permitted. But does not our Mishna state above: That in such a case *that* man as well as that day *is* prohibited? Said R. Itzchak b. R. Mesharshia: R. Jehudah, by the word banquet means a dancing banquet, on which sacrificing is not used, and not a wedding banquet. R. Ashi propounded a question: If the buyer asks for a blemished white cock (which is not used for sacrificing), may one sell him a good white cock, or is it to be feared that because he knows that an Israelite would not sell him a white cock, he deceives him by asking for a blemished one; and should you decide that such is prohibited? Furthermore, how is the law in case he asks for a white one and, nevertheless, takes also a black and a red one; may one then sell him a white one also, as it is to be supposed that he does not take them for sacrificing; or here, also, it may be feared that he bought the other colors only because he needs the white one? This question remains undecided.

"*R. Mair said,*" etc. Said R. 'Hisda to Abimi: We have a tradition that the tract Aboda Zara of Abraham the patriarch contained four hundred chapters. We, however, have only five of them, and even these we do not quite understand. What is the difficulty? R. Mair said: "A fine date tree," from which it is to be understood that a simple one *may* be sold. And there is a Mishna: Nothing must be sold of that which is attached to the ground. Answered Abimi: By a "fine date tree" the fruit of it is meant; and so also said R. Huna: *e.g.*, (*'Hazal nkshba nklas*) the species or variety of dates. When R. Dimi came from Palestine, he said in the name of Hamma b. Joseph: *Quryti* (that which is fit for a drink, made of cariota [cariotum]). Said Abayi to him: We have learned *nklas*, and we do not know what it is, and now you say *quryti*, and we do not know what it is either. Of what use is it, then, to us? And he answered: If you happened to be in Palestine and say *nklas*, no one would understand you, but if you said there *quryti*, they would understand, and show you what it means.

MISHNA *VII.*: In places where it is customary to sell small cattle (sheep, goats, etc.) to heathens, it is lawful to do so, but not in places where this is not customary. Large cattle must not be sold to them at all, nor calves nor foals of asses, either sound or broken-legged. R. Jehudah per-

mits the sale of the latter, and Ben Bathyra permits the sale of a horse.*

GEMARA: From this Mishna it seems that it relies only upon a custom, but there is no prohibition, and in the first Mishna of the second chapter, we see that one must not place an animal in the inns of the heathens, etc. Said R. Eleazar: Even at those places where it is forbidden to place the animals in their inns, it is allowed to sell them. As usual the heathen takes care that his animals should not be uprooted. And so also said R. Tachlipha in the name of Shila b. Abimi, quoting Rabh. As the latter retracted his first statement "that it must not."

"*Large cattle,*" etc. R. Ada permitted to sell an ass through a middleman (also an Israelite). R. Huna sold a cow to a heathen. Said R. 'Hisda to him: Why did the master do so? And he answered: Because it seems to me that he bought it for the purpose of slaughtering. And whence do we know that such is permitted? From (Shebüth, v. 8), where the school of Shamai says: One must not sell a ploughing cow on the Sabbathical year. The school of Hillel, however, permits it, because one may buy it for slaughtering.

Said Rabba: What comparison is this? Concerning the Sabbathical year, there is no obligation that cattle shall rest then, while on the Sabbath one is obliged to give his cattle rest. Said Abayi to him: But where do we find that such is forbidden, even when there is an obligation? There is a Tosephta: The school of Hillel permits to sell a ploughing field in the Sabbathic year, because it may be supposed that one buys it to rest this year, but to plough it the next, and one is certainly obliged not to plough his field on the Sabbathic year. R. Ashi opposed: On the contrary, there is a Mishna [Shebüth, v. 6]: "Ploughing vessels must not be sold on the Sabbathic year," and we know of no obligation that one must give rest to his ploughing vessels. And therefore, says he: When there is a supposition that it can be used for another purpose, we may do so, even, when there is an obligation; but when there is no such supposition, it must not be done, even when there is no obligation.

Rabba sold an ass to an Israelite, who was suspected of selling it to a heathen. Said Abayi to him: Why have the masters

* This Mishna is repeated from tract Passover, p. 90. We did not omit because it is a Mishna and because of the discussions of the Gemara here.

done so? And he answered: I sold it to an Israelite. And to Abayi's question: But he will sell it to a heathen, he answered: Does he sell to heathens only, if an Israelite will give him a good price will he not sell it? Abayi then objected to him from the following: In places where it is customary to sell small cattle to Samaritans, one may do so, but not in places where it is not customary; and this is only because they are suspected of selling it to the heathens, as all other reasons advanced were denied. (Hence, we see that one must not sell to a suspected one.) Rabba then ran after him three miles to return him, but failed to overtake him. Said R. Dimi b. Aba: As it is not allowed to sell to a heathen, so it is not allowed to sell to an Israelite either, who is a robber. What does the expression "robber" mean? If he is suspected that in case of an opposition, he would slay, then it is self-evident, for he is worse than a heathen; and if he is not suspected of such, why not sell to him? It speaks of one who is suspected of slaying only, then, when the owner runs after him to persecute. The rabbis taught: Shields must not be sold to those; others, however, taught they may. The reason of those who forbid is, that if they are short in weapons they use the shields instead; and the reason of those who permit is, that if they are short in weapons they run away. Said R. Na'hman in the name of Rabba b. Abuhu: The Halakha prevails with the latter. R. Ada b. Aba said: Lumps of wrought iron must not be sold to them, because they make weapons of it; but if so, should not spades be forbidden, too? Said R. Zabid: It means of Indian iron, which is useful for weapons. And now that we do sell to them is because the Persians are protecting us with their weapons. So said R. Ashi.

MISHNA *VIII.*: One must not sell to them bears, lions, and all such things by which the people can be injured. One must not conjoin himself in building their court houses (from the roofs of which they usually throw the one who is sentenced to death, to be killed), *gradus*, arenas and scaffolds. However, in building monuments and bath-houses, one may. But when they reached that chamber in which their idols should be placed, he must stop.

GEMARA: Rabbina propounded a contradiction. Our Mishna states: That only things which may be injurious to the people, whence it is to be understood that if not injurious, it does not matter, from the following: As one must not sell to them large cattle, so also must he not do with large beasts.

And even in those places where small cattle may be sold, large beasts must not. (We see, then, that even such that are harmless must not be sold either.) And he explains that our Mishna speaks of a lame lion, and it is in accordance with R. Jehudah, who holds that such may be sold. R. Na'hman opposed: Who can say that the lion is placed under the category of large beasts; perhaps he is placed under the category of small ones.*

"*Himself in building.*" Said Rabba b. b. Hanna in the name of R. Johanan: There were three such palaces: for kings, for bath-houses, and for treasuries. Said Rabba: All of them are permitted.

The rabbis taught: When R. Eleazar was captured by the government, accusing him of being a *min*, he was brought to the *gradus*, and the *hegemon* (chief judge) said to him: A sage like yourself should engage himself in such a valueless thing. And he answered: The judge himself may testify that such is not the case. [The *hegemon* thought that he means him; he, however, meant the heavenly judge.] And he said: Because you trust in me, I swear by *Dimus* (his idol) that you are free from this accusation. When R. Eleazar returned home, his disciples surrounded him to condole him, but he did not accept it. Said R. Aqiba to him: "Rabbi, allow me to say before you one of the things you taught me," and he allowed him. Said he to him: "Rabbi, probably some explanations of the minim pleased you and you have accepted them, and therefore you were suspected and captured." Answered he: "Aqiba, you have reminded me; it happened once that I walked in the upper market of Ciporas, and I met one of the minim, named Jacob, of the village of Zachania and he said to me": It reads [Deut. xxiii. 19]: "Thou shalt not bring the hire of a harlot," etc. May then a retiring room for the high priest be built from such money? And I kept silent. Said he to me: So taught Jeshu b. Panthyra.† It reads [Mich. i. 7]: "For from harlot's wages she gathered them, and for harlot's wages shall they be used again"; hence, money that comes from a dirty place, may be expended

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* The text discusses here whether an animal in convulsive movement before death is considered alive or dead, which is inserted here not in its proper place, nor is it of importance and therefore omitted.

† In Tosaphta Chulin (ii. 24) it states that Eliazar said: Jacob has related to me things of minim in the name of Jeshu b. Panthyra, and I was pleased with them. But it is not mentioned what it was, and we are in doubt whether it means the Joke in text. This may serve as an answer to the criticism of the "Open court." Vol. 16, pp. 475-477.

on a dirty place, which explanation pleased me. It is for this that I was suspected and captured. And I confess that I have transgressed [Prov. v. 8]: " Remove far from her thy way, and come not nigh to the door of her house." " Remove from her," means from minunism and " come not nigh " means to government. Others, however, interpret same " remove far " etc. as to mean minunism, and " come not nigh " etc., prostitution, which place, according to R. 'Hisda, is prohibited to approach from a distance of four yards.

Mar. Uqba said: it reads [Ps. xxx. 15]: " The leech hath two daughters (crying) Give, give," *i.e.*, minunism and the government, which are never satisfied, the first of catching men to her belief, and the second, duties. R. 'Hisda in the name of Mar. Uqba said: The *Gehenna* cries, saying, " bring me in the two daughters, who always cry in this world ": " Bring in to me, bring in to me." It reads [Prov. ii. 19]: " All that come unto her return not again, and they will not reach the paths of life." If they do not return again, they will certainly not reach the paths of life? It means, therefore, that they who repent and return from minunism, die that they might not return to minunism again. Does one die who repents minunism only and not other sins; is there not a Boraitha: It was said of Elazar b. Durdia who left not out one prostitute. He was once informed that there was a prostitute in one of the sea countries, who received a pocketful of dinars in reward, and he took this amount and passed seven rivers until he reached her. She, however, caused him to repent. He then placed himself between two mountains saying; " O ye mountains, pray for me," to which they answered: " Instead of praying for thee, we must pray for ourselves " [Is. liv. 10]: " For the mountain may depart, and the hills may be removed." He then said: " Heaven and earth, pray for me," and they also answered: " We have to pray for ourselves," as it reads [ibid. li. 6]: " For the heavens shall vanish," etc. The same answer he got from the sun and the moon of which it reads [ibid. xxiv. 23]: " And the moon shall be put to the blush and the sun be made ashamed." A similar answer he got from the stars and planets of which it reads in [ibid. xxxiv. 4]: " And all the host of heaven shall be dissolved." He then exclaimed: " I see that I can rely only upon myself," and having put his head between his knees, he wept until his soul departed. A heavenly voice was then heard, saying, " R. Elazar b. Durdia is prepared for life in the world to come."

Rabbi, when he heard this, wept, saying, "there is again one who bought his world in one moment while another one must work for it all his life." And again, it is not enough for those who repent, that they get a share in the world to come, but they are named also rabbis, as the heavenly voice said: Rabbi Eliazar, etc. [hence we see that he who has repented from sin, also died? Because he, Elazar was involved in such, it is similar to minunism].

R. Hanina and R. Jonathan were on the road and they met two thoroughfares, one leading to the gate of an idol and the other to the gate of the prostitutes. Said one to his colleague: Let us go on that which leads to the idol as the evil spirit of idolators is killed. Answered his colleague: On the contrary, let us go on to that which leads to the prostitute so that we should overrule the evil spirit, and be rewarded. When they arrived to the prostitutes, the latter ran away to their homes. And his colleague asked him: "What was the reason you relied upon—[Prov. ii. 11]: 'Discretion* will watch over thee, understanding will keep thee.'"

The rabbis taught: When R. Elazar b. Partha and R. Hanina b. Tradian were captured by the government, said the former to the latter: "Happy are you, that you were captured because of one thing only, and woe is to me that I am captured for five things." Said he: Happy are you who are accused of five things and will be saved, woe is to me who am accused only of one thing shall be sentenced. The reason is, that you were occupied with both the Torah and with bestowing of favors, while I was occupied with the Torah only. This is in accordance with R. Huna who said elsewhere: He who is occupied with the Torah only, is similar to him who denies God. As it reads [II Chron. xv. 3]: "And many days (had elapsed) for Israel, (they being) without the true God." What does the expression "without the true God" mean? He who occupies himself with the Torah, but does not observe bestowing of favors, which is the main point of humanity. Was indeed R. Hanina b. Tradial not occupied in bestowing of favors? Is it not stated further on that he did? Yea, but not so as it was fit for his dignity. Elazar b. Partha was brought before the judges and they asked: "Why are you studying, and stealing? And he answered: If

* The term for discretion in Hebrew is *me zema* the last word is the term for prostitution and the Talmud explains it as it would be written *men zema* which means from prostitution.

one is a scholar, he is no warrior (robber) and if a warrior, he is no scholar, and as it is not true that I am a warrior, so is it also untrue that I am a scholar. Why then are you named master? And he answered: "I am the master of embroidering." They brought two coils before him and said to him: "Which is warp and which is woof?" A miracle occurred and a female bee set on the warp while a male bee on the woof and he said: This is a warp and this is a woof. "Why did you not visit the *Bee abidon* (the house of discussion)?" And he answered: "I am too old, and feared perhaps I would be trodden down under the feet of the crowd." "Has it ever happened that old men should be trodden down in the mentioned house? Again a miracle occurred, and just at that time they were notified that an old man was trodden down in the house in question. "And why then have you freed your slave (which is forbidden)?" This never occurred. One of the crowd, however, arose to testify against him. Elijah then disguised himself as one of the consuls of the government and said to the witness: As in all the other things a miracle occurred, the same would occur also in this case and you would be considered an enemy of his and a liar. The alleged witness, however, did not listen and rose to bear his testimony. Meanwhile, a letter from one of the great officers which was to be sent to the Cæsar was handed to this man as messenger. While he was going, Elijah caught and threw him four hundred *parsas*, so that he did not return any more. Hanina b. Tradian was then brought before them and questioned why he occupied himself with the Torah, and he answered: Because I am so commanded by the Lord my God. The decree was then rendered that he should be burned, his wife killed, and his daughter to be taken to the house of prostitutes. [He to be burned, because he used to express the name Jehovah as it is written (and not Adonai as it is to be read instead), but why did he so? Did not Aba Shaul say (Sanhedrin, p. 265) that he who does so has no share in the world to come? He did so to learn which is allowed privately, but he did it also publicly. His wife to be killed, because she has not prevented his doing so by protesting; from this it is to be inferred that he who feels that his protests would effect and does not protest, is punished therefor. And his daughter to prostitution; because, according to R. Johanan, it happened once that she walked in the presence of the great people of Rome, and they exclaimed: How nice are the steps of this girl!

And from that time she took care of her steps to please the spectators.] When all the three went out from the court, they justified the decrees upon them. Hanina said [Deut. xxxii. 4]: "He is the Rock, his work is perfect," etc. His wife said: "The God of truth and without iniquity"; and his daughter said [Jer. xxxii. 19]: "Great in council, and mighty in execution (thou) whose eyes are open over all the ways of the sons of man." Said Rabbi: How great are these upright that to justify their decrees, the three verses of justification came to their mouths, at the time of so great a trouble.

The rabbis taught: When R. Jose b. Kisma became sick, R. Hanina b. Tradian called on him; the former said to him: Hanina, my brother, are you not aware that this nation is reigning by heavenly decree, and notwithstanding that she has destroyed the Temple, burned the palaces, killed the pious and put out of the way all the best of Israel, she is still in force. About you, however, I heard that notwithstanding the decree of the government, you occupy yourself with the Torah publicly, and you bear with you the Holy Scrolls at all time. Hanina then answered: The heavens shall have mercy with us. Exclaimed Jose: I am relating to you reasons, and you say, the heavens shall have mercy. I wonder whether the government will not burn you with the Holy Scrolls on fire? Hanina then said: Rabbi, what will become of me in the world to come? And Jose asked him: Did not some of the meritorious acts come to your hand? And he answered: The money which I prepared to celebrate *Purim*, I erred, thinking that it was of the charity treasury; I have distributed it to the poor, and thereafter I have not collected from the charity. If so, answered Jose, I wish that my share should be like yours, and my fate similar.

It was said that a few days later R. Jose ben Kisma departed, and all the great men of Rome were going after his coffin, lamenting him greatly. On their return, they found Hanina b. Tradian studying the Torah publicly with the Holy Scrolls in his bosom; he was enwrapped in the Holy Scrolls and surrounded with branches of trees, which were kindled. And two woollen towels, soaked in water, were placed on his heart that his soul might not depart so quickly, and when his daughter said to him: Father, is it just, what I see done with you? He answered: If I were burned alone, it would be hard for me, but now that I am burned in conjunction with the Holy Scrolls, I am sure that He who will take revenge for the Holy Scrolls

will take revenge for me also. His disciples questioned him: What do you see now? And he answered: I see the letters are flying away from the parchment while *they* burned. They said to him: Rabbi, open your mouth, so that the fire should catch you, and he answered: It is better that my soul be taken by Him who gave it and not I myself shall cause it an earlier death. The executioner then said to him: Rabbi, if I will increase this fire and will take off the woollen towels from your heart, would you bring me to life in the world to come? To which he answered, Yea. He then asked him to swear, which he did. Immediately he increased the fire, took off the towels, and his soul departed. The executioner himself then jumped into the fire. A heavenly voice was then heard: Hanina and the executioner are prepared for life in the world to come. Rabbi then wept, saying: There is one again who bought his world in one moment, etc.

Bruria, the wife of R. Mair, was a daughter of Hanina b. Tradian, and she said to her husband: It is a disgrace for me that my sister should be in the house of prostitution. He then took with him a *τριχαβος* full with *dinars*, and said: I will go there, and if she is yet pure, a miracle will occur. He disguised himself as a military rider, visited her, asking her to listen to him. She, however, gives him many reasons, and finally tells him that in this place he will find many who are more beautiful than she. He then convinced himself that she answered the same to everyone, and went to her guardian asking him to accept the money he brought for transferring her to him, saying: The half of the *dinars* will be sufficient to bribe the officers of the government, and the other half will remain for you. And to his question: What should I do when the half will be spent and they will still persecute me? he answered: You will then say, God of Mair, help me, and you will be saved. And whence do I know that so it is? Mair answered: I will convince you immediately. There were dogs who devoured people, and the guard stimulated them upon Mair, and he pronounced God of Mair, answer me, and they kept aloof from him. The guard then delivered to Mair his sister-in-law. Finally, the government got wind of it, and the guardian was brought to the gallows to be hanged, and as soon as he pronounced, God of Mair, help me, he was thrown down uninjured. And to the question, What is it? he related before all what happened. The government then engraved the picture of R. Mair on the gate of Rome,

commanding that he who should see such a face should deliver him to the officers. It happened that he was once seen, and they ran after him; he then ran away to a place of prostitution, and Elijah disguised himself as one of the prostitutes and embraced him. The officers then said that it must be someone else, as Mair would not do so. Thereafter, Mair ran away to Babylon, according to some, because of this occasion, and according to others, because of that which happened to Brura.*

(Concerning arenas and circuses) Tanaim differ in the following: An Israelite must not visit arenas, because they are considered a place of scorners. R. Nathan, however, permits it for two reasons: first, one should be able to save an Israelite if it happened that he was placed there by animosity; and secondly, if it happened that an Israelite should die there, the visitor may then be a witness, so that the widow of the deceased should be allowed to remarry.

The rabbis taught: One must not go to the theatres and circuses, because at those places they gather up money for the idols; so R. Mair. The sages, however, say: In the places where they gather, it is prohibited because of the suspicion of idolatry. And in those where they are not gathering, it is prohibited, because they are considered places of scorners. R. Simeon b. Pazi lectured [Psalm i. 1]: "Happy is the man who walketh not in the council of the wicked, and standeth not in the way of sinners, and sitteth not in the seat of scorners." If he had not walked how could he stand, and if he did not stand how could he sit, and if he did not sit, how could he scorn? It means as follows: That if he had walked, he will finally stand, and if stood, he will finally sit and scorn, and concerning him it is said [Prov. ix. 12]: "But if thou art a scorner, thou alone will have to bear it." Said R. Eliezar: He who scorns brings chastisements upon himself as [Is. xxviii. 22]: "And now be ye no longer scornful, lest your bonds be made strong." And Rabha said to the rabbis (his disciples): I beg you not to scorn so that chastisements shall not come upon ye. And R. Ktina said: Even his food becomes lessened, as it reads [Hos. vii. 5]: "(Because) he joineth his hand with scorners." (Here is repeated about the same matter from Last Gate, p. 30.) R. Simeon b. Pazi lectured again: "Happy is the man who walketh not" to

* The text does not say what happened to her. Rashi explains that she committed suicide because of a discussion between her and her husband, who finally conquered her.

the theatres and circuses of the heathens, "standeth not in the way of sinners," that is, he who does not stand as a spectator at bestial contests (arranged by the Romans). And "the sitting of scorners" beget contention. And lest one say: As all the above I have not done, I may engage my time in sleeping, therefore, "But whose delight is in the law of the Lord."

R. Samuel b. Na'hman in the name of R. Jonathan said: "Happy is the man who walketh not," etc., means Abraham our father, who was not conjoined with the generation of separation, who were wicked, as [Gen. xi. 3]: "Let us make bricks," etc. "In the way of sinners," etc.—he did not stand with Sodomites of whom it reads [ibid. xiii. 13]: "But the men of Sodom were wicked and sinners," etc.—"with scorners"—he did not associate himself with the Philistines, who were "scorners," as [Judges xvi. 25]: "Call for Samson that he may make sport of us."

It reads [Psalms, cxii. 1]: "Happy is the man that feareth the Lord." Man, and not woman? Said R. Amram in the name of Rabh: Happy is he who repents when he is still young. And R. Jehoshua b. Levi said: Happy is he who conquers his evil spirit, as a heroic man; "that greatly delighteth in his commandments." Said R. Eliezar: In his commandments, but not in the reward for them. And this is what a Mishna in Aboth states: Be not like slaves who serve their master because of reward, but as the one who serves him not to receive any reward. "In the law of the Lord is his delight," said Rabh: *i.e.*, one should always study the law to which his heart is inclined. Levi and R. Simeon, the son of Rabbi, weré sitting before Rabbi reading one book of the Bible, and after finishing Levi said: Bring us "Proverbs." And R. Simeon said: Bring us "Psalms." He overruled Levi, and "Psalms" was brought. When they came to the verse, "In the law of the Lord is his delight," Rabbi stopped and said: One has to study only what his heart is inclined to. Said Levi to him: Rabbi, with this you have given us permission to stop studying. R. Abdimi b. Hama said: Him who occupies himself with the Torah, the Holy One, blessed be He, grants his desire. Rabha said: At the time one begins to study, the Torah is named the Holy One's, but after studying, it is considered to be his (the student's); as first it is written the law of the Lord, and thereafter, in *his law*. And he said again: One shall first study, and thereafter deliberate, as the above-cited verse reads. The same said again: One shall study,

although he forgets; shall study, although he does not understand it well.* (Here is repeated from Sanhedrin, p. 369, and from Erubin, p. 126. See there.) It reads [Psalm i. 3]: "And he shall be like a tree replanted by rivulets," etc. Said the disciple of Janai: "Replanted and not planted" signifies that he who receives his knowledge from one master, does not see any blessing in his studies. Said R. 'Hisda to his disciples: I would like to tell you something, but I am afraid you will leave me: He who studies always from one master, does not see any blessing. They then left him and went to the college of Rabba, who, when he heard the above reason, said to them: This is true only concerning reasons and ingenuity; but as for traditions, it is better to learn them from one master, so that they should not be metamorphosed in different versions. Tanhum b. Hanilai said: It is advisable to divide one's years into three parts: one-third for the study of Scripture, the second, Mishna, and the third, Talmud. But does one know how long he has to live? It means, he should do it every day.

"The fruit in its season . . . does not wither," said Rabha: It signifies that if the fruit is given in its season, then its leaves will not wither; but if not, the succeeding verse (4) applies to both the teacher and pupil.

R. Aba in the name of R. Hunna, quoting Rabh, said [Prov. vii. 26]: "For many deadly wounded hath she caused to fall," means a disciple who, though not as yet fit, decides questions; "very numerous were slain by her," means the contrary: he who is fit to do so and does not. And until what age? Till he reaches his fortieth year. But has not Rabha decided questions in his youth? It was because there was no greater scholar than he. Aba b. Ada in the name of Rabh, or b. Aba in the name of R. Hamnuna, quoting Rabh, said: Even the gossip of a scholar is to be studied, as it reads: "And its leaves shall not wither."

R. Joshua b. Levi said: The following is written in the Pentateuch, repeated in the Prophets, and thirdly in the Hagiographa: He who occupies himself with the Torah is prosperous in all his undertakings. In the Pentateuch [Deut. xxix. 8]: "Keep ye therefore the words of this covenant, and do them, that ye may prosper in all that ye do," repeated in Prophets [Jos. i. 8]:

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* In text it is inferred from (Ps. cxix. 20). However, the translation does not correspond and therefore the quotation is omitted.

"This book of the book shall not depart out of thy mouth; but thou shalt mediate therein day and night, in order that thou mayest observe to do according to all that is written therein; for then shalt thou make thy way prosperous, and then shalt thou have good success." And thirdly in Hagiographa [Psalm i. 2, 3]: "But whose delight is in the law of the Lord, and who doth meditate in his law by day and night. (3) And he shall be like a tree planted by rivulets of water, that yieldeth its fruit in its season, and the leaf of which doth not wither; and all that he may do shall prosper."

R. Alexander heralded: Who wants to live, who wants to live? And a big crowd surrounded him. He then referred them to [ibid. xxxiv. 14–16].

"*Where the idols should be placed,*" etc. Said R. Eliezar in the name of R. Johanan: If however, he has built, the reward of it is valid. Is this not self-evident? It is only the preparation for the idol to which both R. Ismael and R. Aqiba agree that they are not forbidden, unless the idol is already worshipped? Said R. Jeremiah: The Mishna means that even if he has made the idol itself, the reward is valued. But this is correct only to him, who holds that when an Israelite made an idol for himself, it is forbidden even before it was worshipped; but of a heathen, it is not, unless worshipped. But to him who holds that the same is the case with the idol of a heathen, what can be said? Said Rabba b. Ula: The Mishna refers to the finishing touch, which completes the idol, and the reason is: what made the idol ready? The last touch, which in itself is not worth the smallest coin (*a perutha*), and therefore it is not forbidden. From this it may be inferred that the Tana holds the obligation to pay a laborer, counts from the beginning till the very end of the labor, and not only after its completion.

MISHNA *IX.*: One must not manufacture ornaments for an idol—*e.g.*, necklaces, nose-bands and rings. R. Eliezar, however, maintains that for reward one may. Nothing must be sold to them while attached to the ground, but after it was cut off, one may. R. Jehudah said: He may also sell with the stipulation to cut it off afterward.

GEMARA: Whence is this deduced? Said R. Jose, from [Deut. vii. 2]: "Nor favor them,"* means, he shall not give

* The term for favor in Hebrew is *chanina*. *Chanina* means also rest. Hence the deduction.

him a rest in the land; we have learned similarly in a Boraitha, with the addition that it also means: You shall not give him such which shall make them merciful in the eyes of others. (Here is repeated from Chulin, p. 114 b.) The above statement is a support to that which Rabh said: It is forbidden to say: How nice is this female heathen? An objection was raised. R. Simeon b. Gamalien, being once on the steps of the Temple mountain, happened to see a female heathen who was a great beauty, and he exclaimed: "How great is thy work O Lord!" And it happened also to R. Aqiba that, when he saw the wife of Tornus Rupus, he laughed and wept. Laughed, because he saw that she would become a proselyte, and he would marry her; wept, that such a beauty must be buried under earth? This does not contradict Rabh, as it was only a benediction, which one has to recite by seeing nice creatures.* R. Joshua b. Levi said: Modesty is the greatest of them all, as it reads [Is. lxi. 1]: "Hath anointed me to announce good tidings unto the meek," it does not read to announce pious men, but meek; hence modesty is greatest.

"*One must not sell.*" The rabbis taught: One may sell them a tree with the stipulation to cut it off, and he cuts it immediately, so R. Jehudah. R. Mair, however, says: Only that which is already cut. The same is the case with hay, and also with flour. According to R. Jehudah, it may be sold to harvest, and according to R. Mair that which is already harvested. It was necessary to learn their points of differing in all the three, as one from the other could not be inferred (we omit the reasons, as of little importance). The schoolman propounded a question: May one sell them a cow with the stipulation to slaughter it? Shall we assume that the above things R. Jehudah permits, because they are not under the control of the heathen so that he is not able to prolong time? But in the case of a cow which he takes immediately, he may prolong the time a good deal until slaughtering, and this even R. Jehudah will not allow. Come and hear the following: One may sell a cow with the stipulation of slaughtering, and the heathen has to do it immediately. So R. Jehudah, while R. Mair permits only the sale of the slaughtered.

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* Here is repeated from many tracts, especially from Middle Gate, p. 227, and a whole Mishna from Tract Shekalim vi, which we have omitted. The statement of R. Joshua b. Levi in text belongs to the Mishna Shekalim vi, which states that piety is greater than all other good things.

MISHNA *X.*: Houses must not be rented to the heathens in Palestine, not to speak of fields. In Syria, however, houses are permitted to be sold, but not fields, and out of Syria houses may be sold and fields rented. So R. Mair. R. Jose, however, said: In Palestine, houses may be rented, but not fields, in Syria houses sold, and fields rented; out of Syria, everything may be sold. However, even in the places where renting is allowed, it must not be for residence, as the idol is brought there, which is against [Deut. vii. 26]: "And thou shalt not bring an abomination in thy house." A bath-house must not be rented at any place because it is named after the owner, who is an Israelite (and he can be suspected of heating it himself on the Sabbath).

GEMARA: What is meant by the expression "not to speak of fields"; is it because two things would be neglected, resting the fields and tithe from the growth? The same would be with the houses also, resting, and the neglect of a *mazuza?* Said R. Mesharshia: The *mazuza* is not an obligation upon the house, but upon him who lives in it.

"*In Syria houses,*" etc. Let us see; why is selling forbidden? Because it is considered as the land of Israel. Why, then, is renting permitted? Renting even in Palestine is only as a safeguard that one should not come to sell; and a safeguard to a safeguard we do not decree. But is not renting fields in Syria also a safeguard to a safeguard, and is nevertheless forbidden? This is not considered a safeguard, as the Tana holds that the land which was taken away by an individual (not by the people of Israel at large) is considered, nevertheless, to be the land of Israel. Hence, against fields upon which two things would be neglected, as said above, the rabbis decreed; but this is not the case with houses.

"*In Syria houses are permitted,*" etc. For the just-mentioned reasons. "*R. Jose . . . in Palestine, houses,*" etc. Also for the same reason.

"*In Syria houses sold,*" etc. It is because he holds that the land which was taken by an individual is not considered the land of Israel, and, therefore, only against fields they decreed for the reasons adduced above, but not against houses.

"*Everything may be sold,*" etc. Because it is far from Palestine, no decree was rendered. Said R. Jehudah in the name of Samuel: The Halakha prevails with R. Jose. Said R. Joseph: Provided it does not make a whole neighborhood of heathens.

And there is a Boraitha: That less than three families is not considered a neighborhood.

"*Where renting is allowed,*" etc. From this we infer that not in every place renting is allowed. Hence, the unnamed Mishna is according to R. Mair; as according to R. Jose, renting is permitted in every place.

"*But not a bath-house,*" etc. There is a Boraitha: R. Simeon b. Gimalia said: One must not rent his bath-house to a heathen because the bath is named after the owner and the heathen does his labor on Sabbath and holidays (and people may think that the Israelites themselves do this). But how is it to a Samaritan? It may be rented, although he works on the minor festivals? On minor festivals, we Israelites also are permitted to heat baths. But let us see why it is permitted to rent a field to a heathen, although he does labor on Sabbath? Because people know that the gardener is doing work for himself. Why not say the same concerning a bath-house? It is because usually a field is hired to a gardener, which is not the case with bath-houses. There is another Boraitha: R. Simeon b. Eliezar: One must not rent his field to a Samaritan because it is named after him, and the Samaritan works the field during the minor festivals. But how is it with a heathen? It is allowed, because people know that he does it for himself; why not say the same concerning a Samaritan? R. Simeon b. Eliezar does not consider the reason of a gardener at all, and his reason why it is allowed to a heathen is that if we tell him that he should not work, he will listen to, which is not the case with a Samaritan, who thinks that he knows better than we do. There were fields of safran in partnership of an Israelite and a heathen; the heathen worked on Sabbath and the Israelite on Sunday, and Rabha has permitted to do so. Rabbina questioned him from the following: "An Israelite and a heathen who have hired a field in partnership, the Israelite must not say to the heathen: You take your share on Sabbath and I on a week day, unless it was so stipulated at the time they started. However, when they come to make their accounts, it is not permitted to the Israelite that he should take his share from the Sabbath labor." Rabha became ashamed; thereafter, however, it was announced that such was stipulated when the partnership was started.

The schoolman propounded a question: How is it if there was no stipulation? Come and hear: "If such a stipulation was made at the time when started, it is allowed"; whence it may

be inferred, that if there was no stipulation, it is prohibited. But if so, how is the latter part to be understood? "When they come to make the account, the Israelite must not take his share of Sabbath," from which it may be inferred that without an account, he may accept it, although there was no stipulation. In view of this, from this Boraitha nothing can be taken for a support.

CHAPTER II.

RULES AND REGULATIONS CONCERNING PLACING OF CATTLE WITH HEATHENS, ACCEPTING CURE FROM THEM, AND CONCERNING THINGS WHICH MAY AND MAY NOT BE BOUGHT FROM THEM.

MISHNA *I.*: Cattle must not be placed in the inns of the heathens because they are suspicious of having sexual intercourse with them.* And for the same reason a female must not stay alone with them, because they are suspected of insult; nor should a male stay with them alone, because they are suspected of bloodshed.

GEMARA: There is a contradiction from the following: One may buy from them cattle for sacrificing without fear that it was instrumental in the committing of a crime or that it was separated as a sacrifice to an idol, or that it was itself worshipped. Now it is correct that there is no fear of its being separated or worshipped, for if such were the case, he would not sell it. But why should not be feared its said relation to a crime, and they not suspected? Said R. Ta'hlipha in the name of R. Shila b. Abina, quoting Rabh: With his own cattle, the heathen is not suspected, because of his economy that the cattle should not become uprooted. This, however, can apply only to female cattle; what can be said concerning male cattle? Said R. Kahana: Here, also, the same reason may apply, as the cattle become meagre from such employment. But why must one not place female cattle in the inns which are under the control of females? Said Mar Uqua b. Hama: Because the heathens are wont to visit the wives of their neighbors, and if such visitor happened not to find the hostess, he may substitute the cattle.

* Voltaire makes rather an exhibit of his ignorance when he mocks the ancient Jews, saying (in his Philos. Diction, vol. ii., p. 102) that they were the only nation given to this offence, since otherwise the prohibition thereof would have been superfluous. This Mishna as well as the following Gemara justifies the conclusion that this offence was rather general and was practiced by non-Jews and even by non-Semites at a period much later than the time when the prohibition of the Scripture was established. The attention of the reader is called to the eye-witnesses reported in the following Gemara.

And to the question of the schoolmen: How is the law with fowls? R. Jehudah in the name of Samuel, quoting R. Hannina, said: I have seen a heathen who bought a goose in the market, sexually intercoursed with it, chopped, roasted and consumed it, and R. Jeremiah of Diphte said that he had witnessed a similar affair by an Arabian.

Rabbina said: There is no contradiction between the Boraitha cited, which does not consider suspicion, and the Mishna which does, as the Mishna speaks of starting, which is forbidden and the Boraitha speaks of a case which was already done, where suspicion is no sufficient basis for forbidding. And whence do we know that such difference is considered? From a Mishna which states that a woman captured by a heathen because of a civil case is allowed to her husband, but not if captured because of a criminal case. We see, then, that although our Mishna forbids a woman to stay alone with a heathen, yet the act having taken place, she is allowed to return (hence there is a difference between starting an act and an act done). But perhaps the reason why she is allowed to her husband when captured because of a civil case, is that the heathen was afraid to touch her lest he lose his money? And such seems to be the case, as the second part states: If because of a criminal case, she is not allowed; and to this discussion nothing is to be added. R. Pdath said: The difference between our Mishna and the Boraitha is to be explained thus: The former is in accordance with R. Eliezer of a Mishna (par. II. 1), and the Boraitha is in accordance with the rabbis thereof, as according to the former, the red cow must not be bought from a heathen; and according to the latter, it may. And the reason is the above suspicion which, according to one, is considered, and according to the other, it is not. But perhaps there is another reason, as Shila explained. The reason of R. Eliezer is, in the following [Numb. xix. 2]: "Speak unto the children of Israel that they bring unto thee a completely red cow," which signifies that the *children of Israel* shall bring, but not other nations? This cannot scarcely be the reason, as the latter part states: "And so has Eliezer invalidated all the sacrifices which were bought from heathens," to which the above reason cannot apply, as concerning them such an expression is not used. But perhaps the rabbis differ with R. Eliezer concerning the red cow only because of its great value, which the heathens would not like to lose; but concerning other sacrifices, would they agree with R. Eliezer? Nay;

in the first place there is a Boraitha: One may buy from them cattle for the purpose of sacrificing, which would be neither in accordance with the rabbis, nor with R. Eliezer; and secondly, it states there plainly: The rabbis have answered to R. Eliezer with [Is. lx. 7]: "All the flocks of Kedar . . . upon my altar." But is, indeed, "suspicion" the reason of R. Eliezer's statement; is there not a Boraitha: The sages then said to R. Eliezer: We know of a case that the red cow was bought from a heathen by the name of Dama or Remetz; and he answered: This is no evidence, as the Israelites had watched over it from the time it was created? R. Eliezer's reason was both—the expression concerning a red cow cited above, and also "suspicion."

R. Ami and R. Itz'hak of Naf'ha were sitting on the balcony at the latter's. One of them began with the last part cited above, "so has R. Eliezer invalidated all the sacrifices," etc., to which the other quoted that which his colleagues answered him, with the above-cited verse, "all the flocks of Kedar," etc., and R. Eliezer rejoined: This is no evidence either, as the nations about whom the cited verse reads will all become proselytes in the future. R. Joseph infers this from [Zeph. iii. 9]: "Yea, then will I change unto the people a pure language, that they may all call on the name of the Lord." And to the opposition of Abayi R. Joseph: Perhaps it means that they will repent from idolatry only? Abayi R. Joseph answered: The verse ends with: "To serve Him with one accord." So taught R. Papa. R. Zebid, however, reverses the order of Abayi R. Joseph, adding that both quoted the verse of Zeph.

It reads [I Sam. vi. 12]: "And the cows went straight forward,"* etc. What does this expression mean? Said R. Johanan in the name of R. Mair: They sang a song. And R. Zuthra b. Tubiah, in the name of Rabh: They have straightened their faces to look upon the ark, and sang a song. What song was it? R. Johanan in the name of R. Mair [Ex. xv. 1]: "Then sang Moses," etc. And R. Johanan himself said [Is. xii. 4]: "And ye shall say on that day, Give thanks unto the Lord, call on his name," etc. And R. Simeon b. Lakish said [Psalm xcviii. 1, 2]: "Oh sing unto the Lord a new song; for he hath done wonderful things; his right hand and his holy arm have gotten him the victory. (2) The Lord hath made known his salvation, before the eyes of the nations hath he revealed his

* The term in Hebrew is *vaysharnha*, and song in Hebrew is *shira*.

righteousness." And R. Elazar said [ibid. xcix. 1]: "The Lord reigneth," etc. And R. Samuel b. Na'hmani [ibid. xciii. 1]; and R. Itzchak of Naf'ha said: They sang: Sing, sing, thou ark, arise in this great journey thou that art decorated with golden embroidery which is placed in the great palace, adorned with the best ornaments. R. Ashi taught the saying of R. Itz'hak to [Numb. x. 35]: "And it came to pass, when the ark set forward that Moses said," etc. And what did Israel say? The above that R. Itz'hak said: It reads [Jos. x. 13]: "And the sun stood still . . . written in the book of Yashar." What is the book of Yashar? Said R. Hyya b. Aba in the name of R. Johanan: The book in which the birth of Abraham, Isaac and Jacob, who are named Josharim (the upright) is meant, as it reads [Numb. xxiii. 10]: "May my soul die the death of the righteous." And where is the hint to be found there [Gen. xlviii. 19]: "And his seed shall become a multitude of nations." This occurred when Jehoshua "stopped the sun." [Jos. x. 13]: "And the sun stood still in the midst of the heavens, and hastened not to go down about a whole day." How many hours? Said R. Jehoshua b. Levi: Twenty-four; it was running six and stopped six, running six, and stopped six, four times; R. Elazar said: Thirty-six, it ran six and stopped twelve, etc. Samuel b. Na'hmani said: Forty-eight, it ran six and stopped twelve; ran six and stopped twenty-four. According to others, the above differ in the additional hours of that day. There is a Boraitha: As the sun stopped for Joshua, so did it stop for Moses, etc. (See Taanith, p. 52. The rabbis taught the whole paragraph.) An objection was raised from [ibid., ibid. 14]: "And there was no day like that before it or after it"? If you wish, in the time of Moses it stopped for fewer hours, or if you wish, it may be said that in Moses' time there were no hailstones mentioned [ibid., ibid. 11].

It reads [II Sam. i. 18]: "The bow, behold it is written in the book of Yashar." (What does Yashar mean? Said R. 'Hyye b. Aba in the name of R. Johanan: "Genesis" as said above.) And where the allusion? [Gen. xlix. 8]: "Thy hand shall be on the neck of thy enemies." Which is the weapon that needs the hand against the neck? It is the bow. R. Eliezer, however, maintains that the book of Yashar means Deuteronomy. And why is it named Yashar? Because there is written [vi. 18]: "And thou shalt do that which is right (Yashar) and good in the eyes of the Lord." And where is the

allusion? [xxxiii. 7]: "Let the power of his hands." And which is the weapon to which both hands are needed? The bow. R. Samuel b. Na'hmani said: It is the book of Judges in which [xvii. 6]: "Every man did what seemed right (Yashar) in his eyes. And where is the allusion? [iii. 2]: "To teach them war." And to which weapon, teaching is needed? The bow.

"*A woman must not stay alone*," etc. Let us see how is the case? If it means she must not stay alone with *one heathen*, is this, then, allowed with an Israelite? Is there not a Mishna: One must not stay alone even with two women? And if it means she should not stay with even three of them, is there a similar case allowed with three licentious Israelites? Is there not a Mishna: A woman may stay with two persons? And Jehuda, in the name of Samuel said: Provided they are righteous men, but, if they were licentious, even if they would be ten, she must not, as it once happened that a woman was alone with ten and was insulted. It means even when his wife is with him. As to Israelite's, his wife guards him, which is not the case with a heathen. But why not say that because they are suspected of bloodshed? Said R. Jeremiah: It speaks of a respectable woman whom they feared to kill. R. Idi, however, maintains that there is no fear of bloodshed, even with any woman, for usually her weapons are upon her (they insult, but do not kill). And what is the difference between the two reasons? If the woman was respected by the government, but not among her colleagues, then, according to R. Jeremiah, there is no fear for bloodshed, but of insult, and according to R. Idi the same is the case with any woman. And there is a Boraitha in accordance with R. Idi—viz.: A woman, although her weapon is usually with her, must nevertheless not stay alone with heathens, because they are suspected of insult.

"*A male must not stay alone*," etc. The rabbis taught: If an Israelite while on the road, happened to be accompanied by a heathen, he should so manage that the heathen should be on his right hand. Ismael b. R. Johanan b. Broka, however, said: If the heathen was provided with a sword, the Israelite shall manage that he shall be on his right side, and if with a cane, on his left side (so that it shall be easier for the Israelite to protect himself). If they have to ascend or to descend, the Israelite must not be on the bottom and the heathen on the top, but the contrary. Nor shall the Israelite bend himself in the heathen's

presence, for fear the heathen may break his skull. If the heathen question him to what place he goes, he shall make the distance longer as did Jacob our father to Esau the wicked [Gen. xxxiii. 14]: " Until I come unto my Lord to Se'ir." And (17) reads: " And Jacob journeyed to Succoth " (which was much nearer than Se'ir). It happened to the disciples of R. Aqiba while on the road, to meet robbers, who questioned them, Where are you going? And they answered, To Akhau. However, when they reached the City of Khzib they separated. The robbers then questioned them, Whose disciples are you? And they answered, Of R. Akiba. To which the robbers rejoined, Well is to Akiba with his disciples, who are careful not to be afflicted by bad men. R. Mnashi was on the road to the City of Thurtha and he met thieves, who asked him where he was going, and he said, To Pumbadithe. When they reached Thurtha he separated from them. Said they, You must be a disciple of Jehuda the deceiver. To which he rejoined, Do you know him (R. Jehuda) and dare to call him deceiver? I put you under ban. The thieves then engaged in thievery for thirty-two years, but did not succeed, so that they were afterward compelled to come to R. Mnashi asking for a release. One of them, who was a weaver, did not care to come to ask for a release, and was finally devoured by a lion. Come and see the difference between the thieves of Babylon and the robbers of Palestine (the latter had praised the disciples who separated from them, and the former scolded him).

MISHNA *II.*: A daughter of an Israelite must not confine a heathen, because she confines a person to idolatry; however, a heathen may confine an Israelite. The same is the case with nursing, an Israelite must not nurse the child of a heathen, while the latter, being under the control of the former, may do so.

GEMARA: The rabbis taught: One must not confine a heathen because she brought up a person to idolatry, nor must a heathen confine an Israelite, because they are suspected of bloodshed; so R. Mair. The sages, however, say: The latter may, in the presence of others, but not when she is alone in the confinement. R. Mair, however, does not allow this because she may put her hand on the skull of the child and kill it, while the others standing by would not notice it. As it happened, a heathen woman who reproached her colleague of being a Jew—confiner—daughter of a Jew confiner, and she answered: Is it

not sufficient the injury I have done to the Jews by decreasing them, killing their children at the birth, and I shed their blood like water. The rabbis, however, maintained that this counts for nothing, as she boasted only.

"*An Israelite must not nurse,*" etc. The rabbis taught: One must not nurse a child of a heathen, because she brings up a person to idolatry, neither must a heathen woman nurse a Jewish child, because she is suspected of bloodshed; so R. Mair. The sages, however, say the latter might do so in the presence of others, but not when she is alone with the child. R. Mair, however, maintains that even in the presence of others she may smear the breasts with poison and kill the child, while the others present will not notice it. A contradiction was raised from the following: A Jewess may confine a heathen for the reward but not gratuitously? Said R. Joseph: For reward it is permissible, in order to avoid animosities. The rabbis taught: An Israelite may circumcise the child of a heathen for the purpose of proselytism, but not for the purpose of curing, and a heathen must not do so to an Israelite because he is suspected of bloodshed. The sages, however, maintain that the latter may do so in the presence of Israelites, but not when he is alone with the child. Does indeed R. Mair hold that a heathen must not circumcise an Israelite? Is there not a Boraitha: A city in which there is no Jewish physician but a Samaritan and a heathen, the heathen shall circumcise and not the Samaritan; so R. Mair. R. Jehuda, however, maintains the converse, that the Samaritan should have the preference? Reverse the names in the cited Boraitha; but how can you say that Jehuda permits a heathen to do the circumcision? Is there not a Boraitha: R. Jehuda said: Whence do we know that a circumcision which was performed by a heathen is invalid? From [Gen. xvii. 9]: "But thou, for thy part, shalt keep my covenant" (which means thou and not a heathen). Therefore, the names in the above-cited Boraitha are correctly placed and must not be reversed, as it speaks of an established physician, who would not spoil his reputation by doing harm to an Israelite, as R. Dimi, when he came from Palestine, said in the name of R. Johanan: That an established heathen physician may be trusted to do everything for an Israelite. But how can you say that R. Jehuda permits a Samaritan to circumcise an Israelite? Is there not a Boraitha: An Israelite may circumcise a heathen, but a Samaritan must not do so to an Israelite, because he is doing this in the name of his idol

in the Mount Gerism. And R. Jose said to him: Where do we find that circumcision must be done in the name of Heaven, etc. (hence, we see that R. Jehuda does not permit a Samaritan). Therefore we must say that the names of the Boraitha in question are to be reversed, and the contradiction from one statement of R. Jehuda to the other presents no difficulty, as R. Jehuda of the contradictory Boraitha means R. Jehuda the prince, whom we heard stating elsewhere just the same as the Boraitha teaches.

It was taught: Whence do we know that a circumcision made by a heathen is invalid? Daru b. Papa in the name of Rabh said: From the above-cited verse [Gen. xvii. 9], and R. Johanan maintains from [ibid., ibid. 13]. And what is the difference between them? If a woman is commanded to circumcise her child, according to Rabh she is not, and according to R. Johanan she is. But is there one who holds that a woman is not commanded to circumcise, does it not read [Ex. iv. 25]: "Then took Zipporah a sharp instrument," etc.? Well, she has done this through a messenger; or, if you wish, it may be said that she began and Moses himself finished.

MISHNA *III.*: One may employ their (the heathens') services for curing his personal property, but not for curing the body. However, cutting hair by them is prohibited at any place; so R. Mair. The sages, however, maintain: One may do so in a public place, but not when he is alone with him.

GEMARA: What do personal property and body mean? The former is, *e.g.*, his cattle, and body means human being. And this is what R. Jehudah said: No imperfection, not even so much as the mark of bleeding, must be taken from them. Said R. Hisda in the name of Mar Uqba: If, however, the heathen said to him that such and such a medicine is good, and such and such is bad, he may use his advice, since the heathen thinks: as he asks me, so will he ask some other one, and should I give him wrong advice, I would be ridiculed. Rabba, according to others, R. 'Hisda, in the name of R. Johanan said: If there is a doubt as to whether the sick will recover or die, the heathen must not be taken for curing, but if it is certain that he will die, it is allowed. But why let it be feared, perhaps he will foster his death? This is not to be taken in consideration. And whence do we know that so it is? From [II Kings, vii. 9]: "If we say, We will enter into the city, then is the famine in the city, and we will die"; and they did not take into consider-

ation that should they fall in the hands of the enemy, they would be killed immediately. An objection was raised from the following: One must not interfere with the Minim and must not cure himself by them, even to delay death for but a few hours.

As it happened to ben Dama, the son of Ismael's sister, to be bitten by a snake, Jacob, of the village of Skhania, came to heal him with the name of Jesus, but R. Ismael did not allow. The patient, however, said to him: Ismael, my brother, let him cure me and I will bring you evidence from the Scripture that such is allowed. But ere he finished his soul departed, and R. Ismael exclaimed: Well is to thee, ben Dama, that thy body was pure and thy soul left thee in purity, and thou hast not transgressed the decision of thy colleagues, who say [Eccles. vii]: "Him who breaketh down a fence—a serpent will bite him." With Minismus it is different, as it is attractive and "he may be induced to follow them." But what has ben Dama to say? [Lev. xviii, 5]: "And he shall live with them," but not he shall die with them. R. Ismael, however, maintains that such is allowed only privately, but not in public; as we have learned in the following Boraitha: R. Ismael used to say: Whence do we know that if one is told to worship idols, under the threat of being killed, that he may worship and not be killed? From the above-cited verse—"he shall live," etc. But lest one say that this may be done publicly also, therefore it is written [ibid. xxii. 32]: "And ye shall not profane my holy name." Rabba b. b. Hanna in the name of R. Johanan said: A wound inside the body must not be cured by them. R. Johanan, however, when he suffered from scurvy, went to a matron of Rome for a cure (see Tract Yomah, p. 128, par. "R. Mathiah b. Hersha," the whole story, 229, par. "Whatsoever). But how did R. Johanan do so? Was it not said that an infliction which is inside the body must not be cured, etc? With a well-known man, like R. Johanan, it is different, as they will fear to harm him. But was not R. Abuhu a well-known man, and Jacob the Minn prepared a medicine for him to place on his shoulder, and if not for R. Ami and R. Assi, who burnt (cauterized) his shoulder to get the poison out, he would have died? Yet with R. Johanan it is different, as he himself was an established physician. But was not R. Abuhu also the same? As the latter was very much respected by the government, and was badly annoying the Minim by his frequent discussions, he (Jacob the Min) made up his

mind to do with him what Samson did [Judges, xvi. 30]: "Let me die with the Philistines."

Samuel said: An open wound (sabre cut) is dangerous, and one may violate the Sabbath for the purpose of curing it. The remedy to stop the blood is, cress-dishes mixed with vinegar, of which the patient shall partake. R. Saphra said: An enabta (carbuncle?) is a forerunner of the angel of death. How is it cured? Put upon it a rue (plant) with honey, or radishes with strong wine. While these remedies are being prepared, put meanwhile on the sore a white or red grape according as the sore is white or red. Rabba said: A tumor is a sure symptom of inflammation. And what is the remedy against the tumor? Hit upon it with the fingers sixty times, then open it crosswise. If, however, the tumor has a white spot on the top, all this is not necessary, as it is not dangerous then.

R. Jacob suffered from pain in the abdomen, and R. Ami, according to others R. Assi, advised him to take seven red grains usually found in the wash-houses, to put them in the linen collar of an old shirt, which he should bind with a cord made of the hair of a cattle; then he should immerse it in white pitch and burn it, the ashes thereof he should apply to the sore place and relief will ensue. While the preparation of this is going on, he may meanwhile apply the kernels of blackberries. This remedy, however, is effective only in case of external pains; for internal abdominal pains grease the sore place with the molten fat of a goat that has not yet born any offspring, or burn three pumpkin leaves dried in the shade and apply the ashes; also almond-worms or olive-oil and wax may be applied, in summer on linen, in winter on cotton.

R. Abuhu suffered once from an ear-ache, and R. Johanan advised him, according to others he was told in the college, what R. Abayi, too, heard later from his mother, that the loins have been created only for curing ear-ache. In like manner said Rabba: I was told by the physician, Miniumi, that all fluids are injurious to the ear, except the *water from the loins*. Thus, take the kidney of a woolless sheep, cut it crosswise, place it on burning coals and collect the water that begins then to flow from it. This water, when it is neither too cold nor too warm, syringe into the ears. Or one may rub in the ears with the molten fat of a big chafer. The following is another good remedy for ear-ache: Fill the sick ear with olive-oil, then make of wheat-straw seven wicks, and with the hairs of a cattle attach

to them the peel of garlic; kindle these wicks and put them into the olive-oil in the ear, taking, of course, precautions against burning the patient; when one wick has been thus burnt to the end, take the next one, etc., until the pains cease. However, seven ordinary wicks would also do, if dipped in hayseed-oil (?); but in this case one must be heedful of the wind. Here is yet another remedy: Put into the ear dyed unbeaten cotton and, taking heed of the wind, keep the ear over the fire. Also this remedy is recommendable: Take a rush that was cut down one hundred years ago, fill it with mineral salt, burn all this and strew the ashes in the ears. It must also be noted that for secreting ears the remedies must be dry, while for aching ears that do not secrete, moist remedies must be used.

Rabha b. Zutra said in the name of R. Hanina: It is allowed to straighten the ears on Sabbath. Observed R. Samuel b. Jehudah: Provided it is done with the hand and not with medicine. According to others the converse is allowed, *i.e.*, to straighten the ears on Sabbath by means of medicine and not by the hands, for it is to be feared that with the hand one may make a wound.

R. Zutra b. Tubia said in the name of Rabh: He who is in danger of losing an eye is allowed to accept cure on Sabbath. This, however, was understood to be allowed only when the medicine was prepared *before* Sabbath; but to prepare it on Sabbath and carry it through the public grounds is not allowed. Hereupon said one of the rabbis, named R. Jacob: I have heard it from R. Jehudah that it is allowed under the said circumstances to prepare the medicine on Sabbath and carry it through the public streets. R. Jehudah allowed to cure eye-diseases on Sabbath. Thereupon said R. Samuel b. Jehudah: Who will listen to this R. Jehudah who thus profanes the Sabbath? But it happened that he himself got sore eyes, and he sent to consult the same (R. Jehudah) as to whether or no it is allowed (to cure them on Sabbath)? And the answer came back: Everybody is allowed, but not you (who were so indignant at my decision); was it, you think, my own opinion? Nay; it was the master, Samuel, whose servant got an inflamed eye on Sabbath; she cried the whole day and none paid attention to her, and on the morrow her eye jumped out of its orbit; then said the master, Samuel, in his sermon: It is allowed to cure on Sabbath eye-diseases if there be danger of losing one's eye; and why? Because the optic nerves are dependent on the heart.

What kind of eye-diseases is allowed to cure on Sabbath? Said R. Jehudah: A secreting eye, a wounded eye, an eye covered with blood, and an inflamed eye. In the beginning of the sickness as well as during its becoming better, it is not allowed to apply medicine on Sabbath; nor is it allowed to use on Sabbath such medicine as would tend to sharpen the eye-sight.

R. Jehudah said: The sting of a wasp, the pricking of thorns, if the wounds caused by either are swelling, likewise an eye-disease complicated with fever, are all dangerous. The high temperature in these cases must, therefore, be reduced by the application of radishes, while low temperature is banished by that of sea-radishes; to apply the one for the other entails danger. The sting of a lizard must be cured with warm medicines, while that of a hornet with cold ones; to reverse the medicines, the one for the other, also here entails danger. Likewise are recommendable warm medicines for the pricks of thorns, and cold ones for the chapped skin; to reverse is dangerous.

He who had his blood let should not eat almonds, nor sit near the fire. He who has diseased eyes should not have his blood let, for it is in this condition dangerous. After eating fish one should wait two days before having his blood let; and after bleeding one should not eat fish for two days. Fish on the third day after bleeding is harmful.

The rabbis taught: After bleeding one should not eat milk, cheese, onions, almonds; but if one has carelessly eaten some of these, he should, according to Abaye, drink a little wine mixed with vinegar. But in this case, one must go outside of the city for his natural exigencies, and notably toward the east, in order that the ill odor might not reach the city (being carried off by the east wind).

R. Jehoshua b. Levi said: It is allowed to cure on Sabbath the *onkly*. What is *onkly?* Said R. Aba: It is the *stomachus* of the heart (or the fleshy valve of the heart, called *nibla*). And how is this disease cured? By an ointment prepared of cumin, soap, mint (fern), wormwood, cedar-blossom and hyssop. All these are to be dissolved in wine, and is good for the heart; your sign is [Psalm, civ. 15]: "*Wine* gladdens the human heart." Against flatulence (*mach*) use the same, but dissolved in water; your sign is [Gen. i. 3]: "And the wind (*mach*) of the Lord flits over the *water*." Against pains in the uterus (*kuda*) use the same dissolved in beer, and your sign is [ibid. xxiv. 15]: "She had her pitcher (*kuadah*) on her shoulder."

R. Aha b. Rabba prepared of the above herbs a powder of which he dissolved about a handful and drank it. R. Asha used to prepare a powder of each of these herbs and drink a dose from each. Said R. Papa: I had tried all this but without avail, until an Arabian merchant advised me to fill a new pitcher with water, put therein a spoonful of honey, leave, then, all this in the open air over night and drink it next morning; I have done so, and it really helped me.

The sages taught: Six things are good for all diseases, and they are as follows: green colewort, sea-radishes, the water from dry *sisin* (a Syrian plant), the stomach, the uterus (of cattle), and the raw meat of a cow. Other sages add yet small fishes, which possess besides medicinal yet the property of making one fecund and robust. Furthermore, ten things there are that are detrimental to the sick—viz.: meat of an ox, fat, roasted meat, poultry, roasted eggs, almonds, a hair-cut, a bath, cheese, and liver. Others add yet nuts and gourds.

The disciples of R. Ismael taught: Why are gourds called *keshuin* (heavy)? Because they are as harmful and heavy to the human body as daggers.

"*And cutting hair.*" The Rabbis taught: An Israelite who cuts his hair by a heathen, may look in the looking-glass (so that the heathen shall be afraid to kill him). An Israelite who cuts the hair of a heathen, when reaching the surrounding of his hair, which is usually for the purpose of worshipping the idol, may drop his work. The master said: An Israelite who cuts his hair by a heathen shall look in the looking-glass. Let us see how is the case: If it was in public then to what purpose is the looking-glass, and if privately, what can the looking-glass help (if the heathen would like to kill him suddenly)? It means privately; but as soon as he has a looking-glass in his work-shop, it seems to be a respectable place, so that there is no fear of killing. R. 'Hana b. Bizna used to cut his hair by a heathen, in the by-streets of N'hardea. At one time he said to him, 'Hana, 'Hana, thou hast a fine neck for the shears. Said he: I may take this as a punishment for not following R. Mair's decision. (Says the Gemara): Did he then follow the decision of the rabbis? The rabbis also permitted in public only, but not privately. He thought that the sideways of Nahardea are considered public, as many people pass there.

MISHNA *IV.*: The following things of the heathens are prohibited, and the prohibition extends even to the deriving of

any benefit therefrom—viz.: wine, vinegar, and pieces of wine extract, and skins in which there are holes opposite the heart. R. Simeon b. Gamaliel adds: Provided the hole is made round, but not if lengthwise. Meat which is entered for the idol is not prohibited, but which comes out of it is prohibited, as it is equivalent to the offerings of the dead. Such is the decree of R. Aqiba. With pilgrims while going for worship one must not interfere, but with those who are coming from, one may.

The bags of the heathens, the pitchers which contain wine of an Israelite, are forbidden to derive any benefit from them. So R. Mair. The sages, however, maintain: They are forbidden, but not to derive benefit. The pressed grapes of which wine was made as well as their kernels are prohibited for any benefit. So R. Mair. The sages, however, forbid only the wet ones, but not the dry ones. Fish-oil and cheese of the village Aunyiki made by the heathens are, according to R. Mair, prohibited for any benefit, and according to the sages the using is prohibited, but not the benefit. Said R. Jehudah: R. Ismael questioned R. Jehoshua while they were on the road: Why have the sages prohibited the cheese of the heathens, and he answered: Because they use the rennet of a carcass to curdle milk. Said he to him: The rennet of a burnt-offering is more rigorous than of a carcass, and nevertheless a priest, who is not so particular, consumes it while raw. This, however, the sages did not admit, but even they allow no benefit therefrom, although its use, when made, is no transgression. Answered R. Jehoshua: The prohibition was because they curdle their milk with the rennet of the calves, which was sacrificed to the idol. Thereupon rejoined R. Ismael: If such is the case, why was not prohibited all benefit thereof? R. Jehoshua, however, was not prepared to answer him this question, and called his attention to another thing: Ismael, my brother, how do you read ([Solomon's song, 1, 2]) Thy caresses? And he answered: I read thy as masculine. To which Jehoshua answered: It is not so, as further on (3) it reads feminine, and this is evidence that also verse 2d uses thy in the feminine.

GEMARA: Whence is it deduced that wine is prohibited? Said Rabba b. Abuhu from [Deut. xxxii. 38]: "They that ate the fat of their sacrifices, and drank the wine of their drink-offerings," *i.e.*, as from a sacrifice no benefit must be derived, the same is the case with wine. And whence do we know that such is the case with a sacrifice itself? From [Psalm cvi. 28]:

"And they joined themselves unto Ba'-al-pe'or, and ate the sacrifice of the dead," hence, as from a dead one no benefit must be derived, so is it with a sacrifice. But whence does it follow that no benefit is to be derived from a dead? From the analogy of expression "there," which is to be found in [Numb. xx. 1]: "And Miriam died there," and in [Deut. xxi. 4]: "And shall break there," hence, as from the latter no benefit must be derived, the same is the case with a dead. But whence do we know that so is the case with the heifer? Said the disciples of R. Janai, in verse 8 of that passage it is mentioned: "Atone for thy people," etc., and from the sacrifices which atone, it is known no benefit must be derived.

"*Wine-vinegar*," etc. Is this not self-evident, that because the wine becomes sour the prohibition no longer holds? Said R. Ashi: It comes to teach that if there was sour vinegar in the hands of the heathens, there is no necessity to seal it with two seals, one on the top of the other as it is necessary for wine; and the reason is that the heathens do not offer vinegar to the idols, nor is the fear, perhaps they will change it, to be taken into consideration, as it is to be supposed that the heathen will not trouble himself to break the seal for this purpose. Said R. Ilai: We have learned elsewhere that cooked wine of the heathens is prohibited, and to the objection that this is self-evident, as the prohibition is not annulled by cooking, R. Ashi said: It means to teach us that our cooked wine seals with one seal, and in the possession of a heathen is valid for the reason stated above.

The rabbis taught: Cooked wine and *aluntith* (oil wine) of the heathens are prohibited; however, an aluntith of an Israelite when in the possession of a heathen is allowed. As we have learned concerning Sabbath the difference between oil-wine and honey wine (see Sabbath, p. 316, par. "One may make honey wine"). Rabba and R. Joseph both said: Wine mixed with water is not affected when it remains uncovered overnight, and to cooked wine, the prohibition of offering-wine does not apply.

The schoolman propounded a question: How is it with cooked wine? Does the uncovering affect it or not? Come and hear: Jacob b. Ibi has testified that the case of uncovering does not apply to cooked wine.

R. Janai b. Ismael once took sick and R. Ismael b. Zirud and the rabbis came to make him a sick-call, and while sitting there they questioned if the case of uncovery applies to cooked wine. Said Ismael b. Zirud to them: Resh Lakish said in the

name of a great man, who is R. Hyye, that to such the case of uncovery does not apply. And to their question as to the validity of this Halakha, R. Janai b. Ismael made a gesture with his hand as if saying, "upon me and my neck."

Samuel and Ablat were sitting together, and cooked wine was brought for them. The latter, who was a heathen, removed his hand in order not to touch the wine and make it unvalid. Said Samuel to him: It was already said that concerning cooked wine no fear of offering is to be entertained.

The servant of R. Hyye had uncovered cooked wine and she came to ask her master, to which he answered, it was decided: to cooked wine no uncovering applies. The servant of Ada b. A'habah had uncovered the mixture of wine and came to ask his master if it is valid, to which he answered: It is decided that the case of uncovering does not apply to mixed wine. Said R. Papa to him: Provided the wine is mixed with much water, but if not, the snake drinks of it, hence such is affected by uncovery. Is that so? It happened with Rabba b. R. Huna, who was on a boat and had wine with him. Once, perceiving a snake coming to partake of it, he said to his servant: Blind the eye of this by making the wine unfit. And he took a little water and put it in the wine; the snake then turned back. The answer is that for raw wine the snake usually risks his life to get it, which he does not do for mixed wine.

But was it not told of R. Janai or Bar Hedia who, while in the City of Akhburi, saw the people there drink mixed wine, the remainder of which they put in a pitcher, covered it with cloth, and put it aside; then they saw a snake putting water into the pitcher until it became full, and then drinking the wine which was coming up to the top of the water (hence you see that a snake drinks out of mixed). The explanation is that it may drink from that which is mixed by itself, but not from that which is mixed by some one else. Said R. Ashi, according to others, Mesharshia: Should one rely upon suppositions in a case which is dangerous? (Therefore there is no difference between mixed and raw wine; neither must be used if it was uncovered, for fear that a snake drank from it.) Said Rabba: The Halakha prevails thus: to mixed wine both uncovering and offering apply, while to cooked wine neither applies.

The servant of R. 'Helkiha b. Tubi had uncovered a *kista* of water and fell asleep nearby; when he came to ask his master if

this water may be used, he answered: The snakes are said to fear a sleeping man, provided it is in the day-time, but not at night. (Said the Gemara): In reality it is not so. The supposition that a snake fears a sleeping man is not substantiated, and the time makes no difference, whether day or night. Rabh vowed not to drink water at the house of Gentiles, saying: They are not careful to cover the water, but in the house of a widow he drank, saying that although she does not know the Halakha of uncovering, she nevertheless uses it, because she did so while her husband was alive. Samuel, however, used to do the contrary. At a widow's house he would not drink, saying that, as she is without her husband, she usually does not care to cover; while the Gentiles, although not particular in covering, are at least particular in cleanliness, and they cover the water that nothing should fall in and spoil it. According to others Samuel did not drink even from the last. R. Jehoshua b. Levy said: There are three kinds of wine to which the case of uncovering does not apply—viz.: (*a*) wine that is both sweet and bitter; (*b*) that is so strong that it breaks each leather bag, and (*c*) wine that will become sweet when warmed in the sun. Rabha said: To wine which begins to become sour the first three days, both cases of uncovery and offering apply, but if after three days, neither case applies. The sages of Nahardea said that even in the latter case uncovery applies, as it happens sometimes that a snake drinks such.

The rabbis taught: To fermenting wine no uncovery applies; and for how many days is it considered fermented? For three days. Nor does it apply to cress-dish (chopped cress mixed with wine or oil). However, the men of exile consider uncovering also here, provided in the mixture vinegar was not used. To Babylonian Khutha'h it does not apply; however, the men of exile do apply it.

Said R. Menashi: If there are traces of snake bites in it, it must not be used. Hyah b. Ashi in the name of Samuel said: To dripping water uncovering does not apply. Added R. Ashi: Provided the dripping is constant. Samuel said: To the opening of a fig when it is torn off, uncovering does not apply, and this is in accordance with R. Eliezer in the following Boraitha, who says: One may eat grapes and figs at night without fear, as it reads [Psalm cxvi. 6]: "The Lord preserveth the simple." R. Saffra said in the name of R. Jehoshua of Rome: There are three kinds of poison coming from the mouth of the snake:

that of a young one sinks, of a middle-aged, remains in the middle, and of an old one, floats on the top. Shall we assume that the snake becomes weaker as it grows older, in spite of this Boraitha: There are three who become stronger as they grow older—viz: a fish, a snake, and a pig? Yea, their strength is stronger, but the poison is weaker. But to what purpose is the teaching that "from a young one it sinks," etc.? To that we have learned in the following Boraitha: From a barrel which became uncovered, although nine persons drank from it and remained alive, the tenth person must not drink, as it once happened that nine men drank from such and did not die, the tenth, however, drank and died; and R. Jeremiah said: That was because the poison sank and was at the bottom. The same is the case with a melon, which became uncovered; one must not partake of it even if nine persons before him partook of it and were not harmed, as it once happened that nine were not harmed and the tenth, who partook of it, died.

The rabbis taught: One must not pour water which has been uncovered in the public streets, and must not water cattle with it. The rabbis taught: One must not pour uncovered water into public grounds, nor wetten therewith one's own house, nor knead clay, or water one's own or the neighbor's cattle therewith, nor wash his face, hands, or feet therewith. But, have we not learned in another Boraitha that he may water his *own* cattle with it? This means but his cat, as the poison of a snake does not harm a cat, which devours a snake. But if so, why not water with it the cat of his neighbor? Because it becomes meagre, and his neighbor might want to sell it at that time. His own, however, he may, because in time it recovers and becomes fat again.

R. Assi in the name of R. Johanan, quoting R. Jehudah b. Bathyra, said: There are three kinds of wine which are prohibited:

From that which was sacrificed to the idol, one must derive no benefit, and its size of an olive defiles a rigorous defilement him who touches it. Wine of the heathen in general (about which it is not certain that it was sacrificed) is also forbidden to derive any benefit, and the size of a quarter of a "lug" defiles just as other beverages which do not defile men and vessels by touching. But from the wine which was deposited with a heathen by an Israelite benefit may be derived, but to drink it is forbidden. But is there not a Mishna: Fruit deposited with a heathen are considered as the heathen's, concerning tithe on

the Sabbathical year? It speaks of the case when the heathen has separated a corner for the wine deposited. But if so, why is it forbidden to drink? We are aware of the following: R. Johanan happened to be in the city Prud (the place where Bar Kapahara was residing), and he asked: Is someone aware of the teaching of Bar Kapahara which would be new to me? And R. Tau'hum of the same city taught before him: If one has deposited his wine with a heathen, he may drink it. To which R. Johanan applied [Eccles. xi. 3]: "On the place where the tree falleth, it will remain," *i.e.*, although the sage is dead, his fruit (teaching) remains. Hence we see that even to drink the wine is allowed? Said R. Zera: This presents no difficulty. R. Johanan is in accordance with R. Eliezer, who permits the drinking also (Sabbath, p. 263), while the Boraitha is in accordance with the sages who do not. R. Hiya b. R. Hiya b. Na'hmani in the name of R. Hisda, quoting Rabh, or quoting Zehra, according to others R. Hisda, said: Abba b. Hama told me that Zehri said: The Halakha prevails with R. Elezer. R. Elazar said: Everything which is deposited with a heathen is preserved if it was sealed with two seals, except wine, which is not considered preserved even with two seals. R. Johanan, however, maintains that two seals preserve wine, too. Both, however, are in accordance with the rabbis. One holds that the rabbis differ with R. Elezer in case it only had one seal, and the other holds they differ with him, even regarding two seals. What is meant by a seal within a seal? Said Rabha: If the cork in the opening of a barrel was besmeared with clay and sealed, it is considered a seal within a seal, but not if there was only one of the two.

If there was a basket over the barrel attached to it, it is considered a seal within a seal, but not otherwise.

If one leather bag full of wine was placed in another, mouth downward, it is considered two seals, but not, if mouth upward. However, if the opening was placed inside, and the outer bag was tied and sealed, it is considered a seal within a seal.

It was taught: Why did the sages forbid date-beer of the heathens? Rami b. Hama in the name of R. Itz'hak said: As a safeguard against intermarriage. R. Na'hman, however, said: Because of uncovering. Uncovering what? If the barrel, we, too, do uncover, and if during the process of brewing, we also do the same. It speaks of those places where they used to clear the water before using it for the beer, and at that time they

usually uncovered it. But if so, let, then, old beer be permitted, as there is no fear of poisoning (which would not have let it become old)? The *old* is forbidden as a safeguard, lest one use the *new*.

R. Papa used to stand outside of the store of the heathen and drink his beer; R. Abayi drank it when it was brought to his house, but not elsewhere; and the reason of both was the safeguard against intermarriage. The latter, however, was more particular, and did not wish to at all interfere with the heathens. Samuel b. Bisna happened to be in the City of Marguan (the Israelites of which were suspected of drinking wine of the heathens), and he drank neither wine nor beer, which was brought to him. It is correct that he did not drink wine, because of the suspicion that it was sacrificed, but why not beer? As a safeguard to wine.

Said Rabh: The beer in question is permissible to everyone, but Hyia, my son, must not drink of it, because he is sick, and it may harm him. Said Samuel: All the reptiles have poison, but their poison does not kill, that of a snake excepted.

The same said to Hyia b. Rabh: Come and I will tell you the good things which were said by your father. The sick heathens who become swollen, and whom uncovered water does not harm, surely ate reptiles, so that their bodies contain poison, which prevents the harming effects of the snake poison. R. Joseph said: The beer-vinegar is forbidden, because they mix into it the dregs of wine which was sacrificed. Said R. Ashi: If it was brought from the storehouse, it is permissible, for if it were mixed with dregs it would be spoiled. (See appendix.)

"*The sages did not admit.*" There is a contradiction from the following: The wine which was placed in the bags of goat-skins by the heathens must not be consumed, but one may derive benefit from it. R. Simeon b. Guda, however, testified before the son of Rabban Gamaliel that his father drank of such, in the City of Akuh, and they (the sages) admitted it? The expression not admitted in the Mishna means the other sages, but his son has admitted. And if you wish, it may be said that to one Tana by the name of Gudah, he has not admitted, but to the Tana Gudeah he has admitted.

"*Skins in which there are holes.*" The rabbis taught: What is considered a holed skin? If it is torn opposite the heart, and is round, and if there is a "Kartub" (a small liquid measure equal to $\frac{1}{64}$ of a lug) it is prohibited, but not if such was not

found. Said R. Huna: Provided it was not salted, but if salted it may be supposed that the salt has absorbed the blood.

"*R. Simon b. Gamaliel,*" etc. Said R. Joseph in the name of R. Jehudah, quoting Samuel: The Halakha prevails with him.

"*Meat entering for the idol,*" etc. Who is the Tana that holds thus? Said Hyia b. Abba in the name of R. Johanan: It is not in accordance with R. Elazar, who said elsewhere that in general the thought of a heathen is directed to his idol.

"*Meat which comes out,*" etc. And what is the reason? Because if it was already with the idol, it is impossible that there was no sacrifice. And this is in accordance with R. Jehuda b. Bathyra of the following Boraitha: Whence do we know that a sacrifice to the idol defiles in a tent? From [Psalms, cvi. 28]: "And they joined themselves unto Ba'al-pe'or, and ate the sacrifices of the dead," and as a dead defiles in a tent, so does the same the sacrifice of an idol.

"*With pilgrims,*" etc. Said Samuel: A heathen pilgrim is prohibited only when on his way *to* the idol, because he *goes* to worship the idol, but when here turns there is nothing the matter, as no consideration should be paid to what was done. The reverse is the case with an Israelite. When he goes there, one may interfere in hope to induce him to retract, but when he returns one must not, because as he is enthusiastic he will go again. But is there not a Boraitha to the effect that with an Israelite pilgrim one must not interfere either when he goes or returns? Said R. Ashi: That Boraitha speaks of an apostate Jew, of whom it is sure that he will not retract.

"*Coming from,*" etc. Said Resh Lakish: Provided they are not conjoined, but if they are, it is supposed that they will return there.

"*The bags of the heathens,*" etc. The rabbis taught: New bags, which are not pitched as yet, are permissible, but those which are pitched are prohibited (if they have absorbed the wine). If, however, the heathen has pitched them and put in wine in the presence of an Israelite, the wine is permissible.

But if the heathen puts the wine in, what is the Israelite's presence good for? Explained R. Papa: The heathen pitched it, and an Israelite put in the wine in the presence of another Israelite. But to what purpose is the other Israelite's presence? Perhaps the Israelite, while busy with pouring in the wine, would not notice that the heathen meanwhile devotes it. R.

Zebid, however, said: R. Papa's explanation is not necessary, as it is said before, the heathen that pours in the wine, but the wine loses its identity when mixed with the pitch, just as water does when poured into clay. Said R. Papa: We may infer from R. Zebid's statement that if a heathen puts wine in an Israelite's salt, it is permissible. R. Ashi, however, opposed, saying that there is no comparison, as in the pitch the wine is lost, but not in the salt, as the taste of it remains. There was a merchant, Bar Abi, who took away pitchers of R. Itzchak b. Joseph, kept wine in them, and thereafter returned them, and he asked in the college what to do with them? Said R. Jeremiah to him: In such a case R. Ami has decided for practice one shall fill them with water for three days and after the water is poured out he may use them. Said Rabha: He must change the water every day. The schoolmen understand that this was said only concerning our bags, but not if the bags were the heathen's. However, when Rabbin came from Palestine he said that there is no difference between ours and theirs. R. Aha b. Rabha meant to say, in the presence of R. Ashi, that this is only concerning bags and not pitchers. Said R. Ashi to him: There is no difference between bags and pitchers. R. Jehudah the second questioned R. Ami: How is it if he has returned the pitchers to the pottery, and they were burned there. May they be used or not? And he answered: Brine extracts what is absorbed by them, so much the more does fire. So, also, was it taught by R. Johanan, according to others by R. Assi, in the name of the former: Pitchers of the heathens, which were returned to the pottery, as soon as the pitch falls off from them, are permissible. Said R. Ashi: Don't teach until it falls off, but even when it weakens so as to fall off they are allowed.

If this was done by burning them out simply with pieces of wood R. Aha and Rabbina differ. According to one it is permissible, and according to the other it is not, and the Halakha prevails with the latter. The schoolman propounded a question: How is it to keep beer in the same? R. Na'hman and R. Jehudah prohibit it, and Rabha permits. Rabbina permitted Hyia b. Itzchak to put beer in them. He, however, put wine in them. Nevertheless, Rabinna did not care to forbid him, saying that this occurred only unintentionally, and he would not do it again. R. Itzchak b. Bisna had vessels made of clay and ordure, in which there was once sacrificed wine, and he filled them with water, put them in the sun, and they burst. Said R.

Abba to him: You have lost them in vain. True, the rabbis said to fill them with water, but did they say to put them in the sun? R. Yusna said in the name of R. Ami: Vessels of natron, in which there was wine, have no remedy. What is meant by natron vessels? Said R. Jose b. Abin: Vessels made of alum crystal. Rupila took away such pitchers from Pumbedith, kept wine in them, then returned them; and when R. Jehudah was questioned as to what to do with them, he said: He kept wine in them only temporarily, therefore he may rinse them with water and they are allowed. Said R. Evira: The pitchers of red earth which do not absorb much, he may rinse with water, and they are allowed. Said R. Papa: The same is the case with the clay pitchers of Michsi. Clay *buchals* R. Asi prohibits and R. Ashi permits. In case the heathen drank from them the first and second time, all agree that they are forbidden; they differ, however, with regard to the third time (*i.e.*, when the first two times an Israelite drank from them; and the Halakha prevails, that if the heathen drank the first and second times, they are prohibited, but if the third, they are not). Said R. Zebid: Vessels enamelled with white and black are permissible, but if with green, they are not, because they contain alum crystal. However, if there were splits in them they all are forbidden.

Maremar lectured: Enamelled vessels, no matter of what color, are permissible. But why is wine different from leaven on Passover, concerning which a similar question was propounded to Maremar, and he prohibited them all? Because leaven is usually used hot, while wine is usually used cold. R. Aqiba happened to be in Ginzek, and he was questioned the following: Fasting a couple of hours only, is it considered or not? And he did not know the answer. Pitchers of heathens are allowed or prohibited? Finally, in what garments did Moses worship the seven days before he consecrated Aaron to the high priesthood? And he, not knowing the answers, came with these questions to college. He was told: A fasting of hours is considered, and if one finished his fasting at sunset, he may recite the prayer of fasting. The pitchers of heathens, after they were empty for twelve months, are permissible. Moses has worshipped the seven days in a white gown. R. Kahanah taught: In a white shirt which had no seam.

"*The pressed grapes,*" etc. The rabbis taught: The pressed grapes of which wine was made, with their kernel, are forbidden when they are still wet, but not when they are dry. And which

are to be considered wet? Before twelve months has elapsed, and thereafter they are considered dry. So R. Jehudah in the name of Samuel. It was taught: Rabba b. b. Hanna in the name of R. Johanan said: The prohibition of them extends even to the deriving of any benefit from them, and when they are allowed, they may even be consumed. R. Zebid said: The dregs of wine of the heathens, after twelve months, are allowed. Their enamelled pitchers, after twelve months of non-usage have elapsed, are allowed according to R. Habiba b. Rabha. R. Habiba said: And the same is the case with their thick leather bags. R. Aha b. R. Aika said: The same is also the case with their *pomace* of grapes. And R. Aha b. Rabha said: The same is also the case with their enamelled white and black pitchers.

"*Fish-oil*," etc. The rabbis taught: Fish-oil made by a heathen specialist is permissible. R. Jehudah b. Gamaliel, in the name of R. Hanina his brother, said: The same is the case with *Hillek* (small fish, which have no fins or scales) if they come from a heathen specialist. R. Abimi b. R. Abuhu taught: Fish-oil from a specialist is allowed. He taught it, and he himself explained it thus: The first and the second time when there is considerable fat in it he has to use no wine, so it is allowed, but not in the third time, when wine must be used. There was a boat with fish-oil, which came to the port of Akhu, and R. Aba of the same city appointed a watchman to guard it. Said Rabha to him: Who, then, watched it until now? And he rejoined: Until now? for what purpose was it necessary to watch? surely not for fear perhaps they would put wine in it, as in their place wine costs four-fold as does fish-oil, while here it is the reverse. Said R. Jeremiah to R. Zera: But perhaps while this boat passed the City of Zur, where wine is cheap, they have poured wine in it? And he answered: It would have been a difficulty for this boat to reach Zur, as there are (along the coast from Zur to Akhu) bays formed by protruding rocks and shallow waters caused by melting snows.

"*Cheese of Anuyiki.*" Said Resh Lakish: Why did the sages forbid the cheese of Anuyiki? Because most of their calves are slaughtered for the sake of their idols. (Says the Gemara): Why the most, when even if the minority were slaughtered for that purpose, the same would be the case, as R. Mair considers the minority also? The expression "*the most*" was necessary in order to indicate that only a minority are slaughtered not for this purpose, but if it were said "*the minority*,"

then it would be understood that the majority are slaughtered not for this purpose, and as the cattle are also slaughtered not for this purpose, the minority then would be a minority of a minority, to which even R. Mair does not pay any attention. Said R. Simeon b. Elyakim to Resh Lakish: Your reason that the calves are slaughtered for the sake of the idol contradicts your own statement made elsewhere—viz.: that the slaughtering for the sake of the idol is not to be taken into consideration (in opposition to R. Johanan, who says that it is), and he answered: May you in the future be more successful in distinguishing matters. I speak of him who expressly says: I am worshipping the idol with this slaughtering.

"*Calls his attention to another thing.*" [Solomon's Song, I, 2.] What does this passage mean? When R. Dimi came he said thus: The assembly of Israel said before the Holy One, blessed be He: Lord of the Universe, sweet are to me the words of thy friends (the sages who are explaining the law) more than the essence of the Torah. But what was the reason that he called his attention to this passage? Said R. Simeon b. Pazi, according to others, b. Ami: He called his attention to the beginning of this chapter, "He may kiss me," etc., and the meaning was this: Ishmael, my brother, compress your lips, one upon the other, and hasten not to propound questions. But why? Said Ulah, according to others, R. Samuel b. Aba: This was a new decree, to which the reason could not be given at that time. And what is the reason? Said R. Simeon b. Pazi in the name of R. Joshua b. Levi: It is that perhaps it was uncovered and was poisoned by a snake. If so, why did he not tell him so? This is as Ula said elsewhere. When a new decree was promulgated in the west, they did not give the reason until twelve months had elapsed, for fear there may be one who would not care for such a reason, and would not accept the decree. R. Jeremiah ridiculed this statement, since, according to it, old cheese should be allowed, as R. Hanina said: A dry or an old one is permissible, because poison would not have allowed it to become old or dry. Said R. Hanina: The reason was that there is no cheese in which some skimmed milk does not remain, and this is forbidden, because the heathen mixes all milk with milk of such cattle that is forbidden to eat. Samuel, however, said: Because they curdle the milk with the skin of the rennet of a carcass. But how is it if with the rennet itself, would it be allowed? Did indeed Samuel say so? Is there not

a Mishna: The rennet belonging to a Gentile as well as that of a carcass, is forbidden, and the question: What does a Gentile's rennet mean. Samuel explained: The rennet of those cattle which the heathen has slaughtered is considered as one of a carcass. Hence, the rennet itself is also prohibited? This presents no difficulty, as Samuel's explanation had been made before R. Jehoshua retracted his statement, that the rennet itself is to be considered. And his statement cited above was after the retraction of R. Jehoshua was known, and that Mishna in tract Chulin remained uncorrected.

R. Malchia in the name of R. Aba b. Ahaba said: The reason is that they besmear the top of the cheese with the fat of swine. R. Hisda said: Because they curdle it with vinegar. And R. Na'hman b. Itz'hak said: Because they curdle it with the juice of the trees of "*Orlah.*" But, according to R. Hisda and R. Na'hman b. Itz'hak, it should be forbidden to derive any benefit from *them?* This difficulty remains unsolved.

R. Na'hman b. R. Hisda lectured: It reads [Songs of Solomon, 1-3]: "To the smell are thy fragrant oils pleasant," a scholar is equalled to a glass of perfume, which, if uncovered, gives forth a good odor, while it does not if covered. And not only this, but matters the reasons of which were sealed from him, finally become apparent [ibid., ibid.]: "The maidens ("*alomoth*") love thee." Do not read "alomoth" (maidens), but "alumuth" (hidden things). Furthermore, the angel of death becomes his lover, as the word *alomoth* is to be divided into two words, *al*-moveth, which means death. And furthermore, he inherits two worlds: this world, and the world to come, as the same word may be read "*olumuth,*" which means "*worlds.*"

MISHNA *V.*: The following things of the heathens are prohibited, but not for deriving benefit from them: Milk which the heathen himself milked not in the presence of an Israelite, their bread and oil. Rabbi in his court, however, permitted the consumption of their oil. Cooked and soaked herbs, in which they usually pour wine, and small salted fish (which is called trith), the brine of fish in which there is no fish, and 'hillek, the brine of 'hilteth, and *sal-condire*—all these are forbidden to eat, but one may derive benefit from them.

GEMARA: What is the reason for the prohibition of milk? If, *e.g.*, that the heathen might substitute for the milk of a cow that of an ass, there is no fear, for from a cow it is white, while

from an ass it is green; and if because he may mix it with above, let him curdle it; and, as the Master said, the milk of an ass cannot be curdled? Yea; this is when he needs it for cheese, but how shall he test it when he needs it as it is? Even then he can test it by taking part thereof for curdling?

This cannot prove, as there is some bad milk of a cow, which cannot be curdled. And if you wish, it can be said that even for cheese curdling is no test that the milk was not contaminated, as the unclean milk remains in the holes of the cheese (as said above).

"*And bread.*" Said R. Kahanah in the name of R. Johanan: Bread was not permitted by Rabbi and his court, as it was with oil. But is there one who says that it was? Yea; as R. Dimi, when back from Palestine, related: It once happened that Rabbi went to a field, and a heathen brought him fine bread, the size of a "*saah*," and Rabbi exclaimed: How nice this bread is! Why should the sages forbid it? And by this exclamation the people thought that Rabbi had permitted it. In reality, however, he did not. R. Joseph, according to others, R. Samuel b. Jehudah, said: It was not as R. Dimi related, but it once happened that Rabbi went to a certain place, and seeing that there was a difficulty to obtain Jewish bread for the disciples, he exclaimed, "Is there no baker here!" People thought that he meant a heathen baker, but he probably meant a Jewish one. Said R. 'Helbu: Even if he meant a heathen baker, it is permitted only when there is no Jewish baker, otherwise it is not. And R. Johanan said: Even if he meant a heathen baker, it is permissible only in the field, but not in the city, by reason of the fear of intermarriage. Aiban used to bite and consume heathen bread at the boundaries of the field, and Rabha or R. Na'hman b. Itz'hak told his disciples not to have any conversation with him, because he eats heathen bread.

"*And their oil.*" Concerning oil, Rabh said: Daniel has decreed the prohibition, and Samuel said: Because *they* are boiled in forbidden vessels. Said Samuel to Rabh: According to my theory, it is correct that R. Itz'hak b. Samuel b. Martha related about R. Simlayi, who preached in the City of Nezibin, that concerning oil R. Jehudah (Rabbi and his court voted and permitted it). Their reason may have been that the absorbed fat in the vessels which spoils the oil does not affect its validity, and therefore they permitted. But according to your theory that Daniel had so decreed, is it possible that R. Jehudah, the

prince, should abolish the decree of Daniel? Is there not a Mishna: A court must not abolish the decree of another, unless it is greater in wisdom and in number? And he answered: You speak of Simlayi the Ludian, such people do not care to observe the decrees of the rabbis. Said Samuel: Then allow me to send this message to him (Simlayi), and Rabh became confused. Thereupon he said: If they have not given proper attention to that which is written concerning Daniel in the Scripture, should we do the same? Does it not read [Daniel, i. 8]: "Nor the wine of his banquets." * Hence we see that the Scripture speaks of two banquets, one of wine and one of oil. However, he differs with Samuel in the explanation of "resolved in his heart," as according to him (Rabh) "he resolved in his heart, and decreed same for all Israel." Samuel, however, explains it: He so resolved for himself, but not for Israel. But how can we say that Daniel decreed so, after Bali-Abimi of Nirtah said in the name of Rabh: The decrees, concerning their bread, wine, oil, and their daughters were included in the eighteen decrees (which are mentioned in Tract Sabbath). Now, should you say that Daniel's decree was not accepted until after the disciples of Hillel and Shamai came, decreed so, and it was then accepted? Then, how is to be understood the testimony that Daniel has thus decreed? Rabh has testified that Daniel's decree was only for the cities where other oils are to be found, but not for the field. And the rabbis mentioned above decreed that the same should be even in the field. But after all, how could Rabbi abolish their decree despite the Mishna cited above: That one court must not abolish the decree of another, etc.? And, secondly, did not Rabba b. b. Hanna say in the name of R. Johanan, that even in cases where one court may change the decree of another, it cannot do so with regard to the above eighteen decrees, as concerning them, even if Elijah with his court should come and abolish them, he must not be heeded? Said R. Mesharshia: The reason is that the decrees in question were spread among the majority of Israel; as to oil, however, its decree was not accepted by the majority of Israel. As so said Samuel b. Aba in the name of R. Johanan: Our masters investigated concerning oil, and found that the prohibition was not accepted by the majority, therefore, adhere to the rule declared

* Leeser translates "which he drank"; the Talmud, however, takes it literally, as the term "mishte" in Hebrew means banquet.

by R. Simeon b. Gamaliel and R. Eliezer b. Zadok, that a court must not enact anything which the majority of the congregation could not possibly follow.*

R. Jehudah the second leaned upon the shoulder of R. Simlayi when walking in the street, and said: Simlayi, you were not in college yesterday, at the time we permitted oil of the heathens. And he answered: I hope that you will soon permit their bread also. Rejoined R. Jehudah: Then the people would name us the *all-permitting* court, as so they named R. Josh (Tract Idioth Mishna). Then to Simlayi's remark: R. Josh has permitted three things, and you, master, have only permitted one, and should you permit one more, it will be only two. Jehudah answered: I have already permitted another thing concerning the validity a divorce attains after twelve months had elapsed before the husband returns; and it happened that before the elapse of such period the man died, and I have permitted the woman to remarry.†

"*Cooked,*" etc. Whence is this deduced? Said R. Hyia b. Aba in the name of R. Johanan, from [Deut. ii. 28]: "Food shalt thou sell me for money, that I may eat; and water for money shalt thou give me, that I may drink," which means, like water, which does not, since its creation, change by fire, eatables are not changed since their creation, by fire. (But that which was changed is not permissible.) But as there is not mentioned "*fire*" in the Scripture, this is but a decree of the rabbis, and the verse is brought only as a hint to this. R. Samuel b. Itz'hak said in the name of Rabh: To everything which can be consumed raw, the prohibition of cooked by a heathen does not apply. So it was taught in the college of Sura. In the college of Pumbeditha, however, it was taught as follows: R. Samuel b. R. Itz'hak in the name of Rabh said: To everything which is not served on the table of noblemen to relish the bread, the prohibition of "cooked by a heathen" does not apply. And what is the difference between the two versions? Small fish, mushroom and disa (a thickly cooked barley or meal). All these three cannot be consumed raw, but they are not served on the tables of noblemen. Hence, according to the first version, if

* The text here treats of the eighteen decrees mentioned in [Sabbath page 24] which we have omitted. We also call the attention of the reader to the appendix at the end of same tract.

† The text discusses here the three things which Josh b. Joezer testified in the cited Mishna, Idioth, which will be found there in the proper place.

prepared by a heathen, must not be consumed, and according to the second, it is permissible.

R. Assi said in the name of Rabh: To small salt fish cooking of a heathen does not apply. Said R. Joseph: If the heathen roasted it, an Israelite may rely upon it for aneb tabshilin.* But if he has prepared from this a mush of harsana (a dish of small fish with flour) it is forbidden. Is this not self-evident? Lest one say that the fish is the main thing of this dish, it comes to teach us that the flour is the main thing. R. Johanan said: If a heathen singed the head of an animal, it is permissible to partake of it even from the ear (although the ear is nearly cooked by the singeing). Said Rabbina: From this we may infer that if he threw a tent-pin in the stove (to dry it), and an Israelite has deposited upon it a pumpkin, it may be used. Is this not self-evident? Lest one say that the heathen intended to cook the tent-pin (hence the pumpkin would be cooked by him), he came to teach us that his intention was only to dry and not to cook it. R. Jehudah in the name of Samuel said: If an Israelite placed meat upon live coals and a heathen came and turned it, it is permissible. But let us examine the case. If without turning, it would not be cooked, then it was cooked by the heathen, and must not be permissible; on the other hand, if it would be cooked without turning, then its permission is self-evident. It speaks of the fact that if he did not turn it, it would cook in two hours, but by turning, it was cooked in one hour; and lest one say that the hastening of the cooking be taken into consideration, he teaches us that it is not so.

But did not R. Assi say in the name of R. Johanan that, when the food has been cooked to the extent that Ben Drusai † habitually eats it, the heathen may then complete its cooking, but not otherwise, and should not the above-mentioned fried meat be accordingly prohibited? This quotation intends to say as follows: If the meat was put into the pot by the Israelite and then placed upon the fire by a heathen, it is permissible. There is a Boraitha to this effect: The Israelite may put the meat upon the coals and let the heathen do the turning till he returns from the synagogue or college. Similarly, a Jewish woman may place the pot upon the fire and then leave the heathen woman do the skimming till she returns from the syna-

* See Erubin.

† Ben-Drusai, a certain robber who used to eat meat only one-third cooked.

gogue or bath-house. In these cases there is nothing to fear. The schoolmen propounded a question whether that meat is permissible which was put upon the coals by a heathen and turned about by an Israelite? Said R. Na'hman b. Itz'hak: The answer thereto can be inferred *a fortiori*—viz.: if the completion of the cooking by the heathen's hand is allowed, so much the more is it so, if by the hand of Israelite. It was taught so, too: Rabba b. 'Hana, according to others, R. A'ha b. b. 'Hana, said in the name of R. Johanan: It is only then prohibited when the heathen prepares the food all alone, without the aid of the Israelite. As to bread, Rabbina said: The Halakha is thus: When the Israelite heats the oven and the heathen places the bread therein, or *vice versa*, or, finally, the heathen does both the things and the Israelite was but fixing a little the fire during the heating, the bread is allowed. However, fish salted by heathens are allowed by 'Hiskia, but prohibited by R. Johanan; and an egg roasted by a heathen Bar Kapara allows, but not R. Johanan. But when R. Dimi came from Palestine, he said that in both fish and egg 'Hiskia and Bar Kapara allow, and R. Johanan does not. R. Hyye Parvah called once on the Exilearch, where he was asked whether it is allowed to eat an egg roasted by a heathen, and he replied that 'Hiskia and Bar Kapara allow it and R. Johanan prohibits it; the rule "The majority rules" is to be followed. Thereupon exhorted R. Zebid: Do not listen to R. Hyye, for Ahayi says that in this case the Halakha prevails according to R. Johanan. The Exilearch's servants became therefore so enraged that they poisoned R. Zebid with a drink of vinegar, from which he died.

The rabbis taught: Kaprises, Kaplututh, Hamtlia, warm water and roasted ears of corn coming from the heathens are allowed; roasted eggs are prohibited. Oil was allowed by R. Jehudah, the prince, and his court by vote. There is a Boraitha: Hamtlia is called also Peshlia and Shietta. But what, indeed, is it? Rabha b. b. 'Hana said in the name of R. Johanan: It is now forty years since it was imported from Egypt; he himself said, it is already sixty years. In reality, both concur, for R. Johanan made his statement twenty years ago. The preparation thereof is as follows: Take parsley-seed, glue-seed, juice of fenugreek; keep them all in lukewarm water until the seed coats burst; then fill with water new earthern pots, and, on putting therein some red earth, plant in it the seeds; now go to bathe, and no sooner do you come back than the planted seeds

will have borne their fruit, which is highly refreshing, so that on eating thereof you are cooled up from top to toe. Said R. Ashi: I was told by R. 'Hanina that all this is but a mere fable.

The rabbis taught: If dates of which beer was already once brewed be warmed anew in other vessels, the question arises as to whether these vessels are big or small: if big, the dates in question are prohibited; if small, they are allowed, for in small vessels the heathen surely cooks nothing unclean. What determines the size of vessel? R. Janai said: A vessel is said to be small when through its mouth the swallow is not able to pass. But could not the bird be cut into pieces and then made to pass through the opening of the vessel? Well, the foregoing determination is to be understood as follows: The opening of the vessel must be so small that the head of the said bird could not enter. But is there not a Boraitha: Dates are allowed regardless of the size of the vessel they are in? Yea; nevertheless there is no implicit contradiction here, for he who prohibits the big vessels is of the opinion that if the taste left by the old vessel were even injurious to the food, it is nevertheless prohibited; while the others who allowed it maintain that if the flavor left by the old vessels be favorable to the food, it is prohibited, but if unfavorable, it is allowed; therefore they have also allowed in this case the big vessels of the heathens. R. Sheshith said: A heathen's cooked oil is prohibited. Wondered R. Saphra: Why, there is nothing to fear in this case, for were the heathen to put into the said oil fat he would thereby impart to it an insipid odor; nor can the prohibition be based upon the mere fact that it was cooked by a heathen, as we have learned above: All that may be eaten in a raw state, may also be eaten when cooked by a heathen, and oil is eatable uncooked; as for the absorption by the vessel, it makes the taste of the oil bad, and hence it cannot be prohibited therefor. R. Assi was asked whether dates cooked by a heathen are permissible. Sweet dates, that are eatable when raw, are certainly allowed, but not bitter ones, which are not eatable when raw. The chief point here is: What about dates that are neither sweet nor bitter (and are, in case of necessity, eatable when raw)? And he answered: A distinguished man, Levi, has already prohibited them. Shthithah (a dish prepared from young ears of corn) of a heathen, Rabh allows, the father of Samuel and Levi prohibits. (Says the Gemara): If prepared of wheat or barley flour, all agree that it is allowed. A food of peas and vinegar is declared prohibited also by

Rabh. Their point of difference concerns solely a food of flour and water, which the father of Samuel and Levi prohibits, fearing that, if this were allowed, people would later eat also foods prepared with vinegar; Rabh, on the other hand, does not entertain this fear. Others word this discussion as follows: Pea flour prepared by the heathen with water is prohibited by Rabh, who fears lest food with vinegar be eaten; only foods prepared of wheat or barley flour are permissible, as for their preparation no vinegar is required. The other party, however, prohibits also these foods, fearing lest one might then allow oneself also peas prepared with vinegar.

Rabh said: Barsillai sent to David two kinds of this Shthithah, as it reads [II Sam. xvii. 28]: "Bedstead, pans, earthen pots, wheat, barley, flour, ears of corn, beans, lentils, oatmeal." That nowadays we buy of the heathens in the markets of Nahardea these articles in the basketfuls, is a sign that Samuel and Levi's prohibition is disregarded.

"*And pressed preserves into which they habitually put wine.*" Its benefit is, according to R. Hiskia, only then allowed when it is not known that there is wine in it. But if it is definitely known that there is wine in it, it is prohibited. Why then do the rabbis allow the use of muries which, we know, all prepare with wine? Because here wine is used merely to destroy the fishlime of the muries, while in the above it is used to render the preserves more palatable. However, R. Johanan said that even when it is known that there is wine in the preserves their benefit is none the less permitted. What difference is there between muries and preserves, that R. Mair prohibits the use of the former, but allows that of the latter? In case of the muries which is taken with bread, one eats the wine contained therein, while in the case of preserves you consume only the preserved fruits, the wine remaining in the vessel.

"*Pressed fish cut in small pieces and Hilac are forbidden.*" What is Hilac? R. Na'hman Hanan b. Aba said in the name of Rabh: Hilac is Sulthenuth. This fish, though it has the marks of the clean fish, is prohibited, because it so closely resembles the other unclean fish with which it is drawn out that it becomes impossible to distinguish it.

The rabbis taught: Those fishes which, when young, do not exhibit their signs of clean fish, but grow them later, as is the case with the Sulthenuth and the Epitz, are allowed to eat. Such fishes that show the signs of the clean order when fished

out, but lose them later, such as the Akunas and Apunas, Chotospeteis, Achspeteis and Utanas, are allowed. R. Abuhu heralded at Cæsaria that it is permitted to buy of anybody the fish oil and rye, for it is imported only from Pelusium and Aspamia (Spain), where there are no fishes of the unclean order. Abayi likewise allows to buy of heathens the fish Zachanthra from the river Dahab. Why is this permitted? Presumably because the bed of the river is of such a composition that fish of the unclean order can not live there. Said Rabbina: Now that the two rivers Gusa and Ganda have been united with the Dahab river the Zachanthra is again prohibited (as the former two shelter unclean fish). Abayi said: The sea-donkey is allowed, but not the sea-ox; and you remember this by the following mark: the unclean (on earth?) is clean, while the clean is unclean. R. Ashi said: Separnuna is allowed, Kadeshnuna is not; according to others he said that Kaharnuna is forbidden. R. Aqiba, when in Ginsek, was offered a fish that resembled the Hipusha, which is of the unclean order; he took a basket, put therein the fish, then, upon removing it from the basket, he found scales there, and allowed the fish. R. Ashi applied on a similar occasion in Matduria the following test: he held out the fish, which resembled the unclean Zehrpeha, against the sun-rays, and perceived scales, whereupon he allowed it. He happened to be once in another town, where he was offered a fish similar to the unclean Separnuna, so he had it covered with a white vessel, and, as he discovered scales on the walls of the vessel, allowed the fish. Rabba b. 'Hana came once to Arka Dagma, where he was given the fish Zachanthra; but as he heard the house servants call it Bati, he thought it may be an unclean fish, and refrained from touching it; in the morning, on examining the fishes, he found among them some of the unclean order, whereupon he applied to himself the verse: "No wrong can come unawares to the righteous" [Prov. xii. 21].

"*And the berries of the Chalthith are forbidden.*" This prohibition is based upon the following fact: These berries must be cut off with a knife from which they imbibe what may have penetrated it from some prohibited food, although the master says that if by the withdrawal the food loses in taste, such food is permitted; here, however, the strong sap of the Chalthith berries restore the fat possibly extracted from the knife, hence they are forbidden. R. Levi's slave used to sell Chalthith; upon the death of R. Levi, R. Johanan was asked whether it

was allowed henceforth to buy of the slave the Chalthith, to which he replied: We always repose in the slave the same confidence which we showed his master (we must thus trust also after the death of his master that he will not sell unclean for clean things). R. Huna b. Miniumi, having bought once blue wool for tshitzes from the house of R. Amram the pious who was dead already, betook himself to R. Joseph to ask him whether the use of the said wool is allowed; as he was unable to give a satisfactory answer, R. Huna went away, when he chanced to meet Hanan the tailor, to whom he disclosed his perplexity and the tailor said: How could the poor Joseph know this? I, myself, bought once such blue wool for the same purpose in the house of Rabnah, the brother of R. Hyys b. Aba; it was after the death of Rabnah, so I asked R. Mathna whether or not the use of the wool is allowed, and he knew no answer; I then went to R. Jehudah of Hagruna, and he said: At last you resort to me with a question. So said Samuel: We are to trust the wife of a scholar as we have trusted her husband. Such is the opinion also of the rabbis, who teach that the wife enjoys our confidence on the same basis with her husband, which relation holds good also with regard to master and slave; upon the death of the man his house claims our confidence until sufficient reason appears to call for the withdrawing of it therefrom. The same is the case with a stationery selling blue wool for tzitzes, you may buy here so long as there is no just reason for not buying.

The rabbis taught: The widow or daughter of an Amharez, who is to marry a scholar, likewise the slave of such who is to be sold to a scholar, must take the oral oath that they will observe the commandments and prohibitions of the sages. On the other hand, if the converse is the case, they are each free from this oath, since they are now as trustworthy as ever before; this, however, is but R. Meir's view, while R. Jehuda finds the oath necessary also in this second case. R. Simeon b. Elazar said: I knew a woman who would aid her husband, who was a scholar, to put on his Tephilis; upon his death she married a contractor,* whom she would aid in putting on his amulet. Rabh said: Fat, meat, wine, and blue wool for *tzitzes* should when sealed with only one seal, never be forwarded through a heathen; but Chilthith, bread, muries and cheese may be forwarded with one seal. In case of bread, the heathen will surely not replace it,

* This is explained in our "History of Amulets, Charms and Talismans." See there.

as this could be easily discovered, the difference between fresh and stale bread, between wheat or barley bread, being too salient, and there is no reason to believe that as there is one seal he will exchange a bread for its equal. But why in the case of cheese Rabh finds one seal sufficient, while for fat, which is not dearer than cheese, he requires *two?* Said R. Kahana: Rabh did not mean fat, but fish cut in pieces and lacking the marks by which they might be discerned from meat. But if such be the case, they could indeed be taken and exchanged for meat? Rabh considers two sorts of meat: fish-meat and meat proper. Samuel, however, put it thus: Meat, wine, blue wool that are to be forwarded through a heathen, require each two seals; muries, Chilthith and cheese, only one seal; fish is like meat, hence needs no special mention (and bread he does not quote at all, for here is nothing to fear).

The rabbis taught: One should not buy of a tradesman in Syria wine, muries, milk, salcondrit salt, Chilthith, cheese, unless the seller is positively known to be a specialist, otherwise he is suspicious of mixing something forbidden into the said articles. However, if an Israelite is visiting such a tradesman in Syria, he is allowed to eat everything served at the host's table, for in the house nothing forbidden is used there. This corroborates what R. Jehoshua b. Levis aid—viz.: An Israelite may accept one of the foregoing articles as a present from a Syrian tradesman, provided he gives it from his household stock, because in the house nothing unclean is used there. What is salcondrit salt mentioned above? R. Jehudah said in the name of Samuel: It is the salt used by all the nobles of Rome. The rabbis taught: Black salcondrit is prohibited, but not the white sort. So R. Meier; R. Jehudah said the contrary: White is forbidden and black is allowed. R. Jehudah b. Gamaliel in the name of R. Hanina b. Gamaliel said: Both the sorts are forbidden. Said Rabba b. b. 'Hana in the name of R. Johanan: He who prohibits the use of the white salt is prompted thereto by the fact that some put into it the *white* parts of the intestines of unclean fish; on the other hand, that some put into the black salt the black parts of unclean fish, is sufficient reason to him who forbids it, while these two facts justify the third party to prohibit the use of both salts. R. Abuhu said in the name of R. Hanina b. Gamaliel: There once lived an old man, a heathen, in our street, and he used to grease with pork-fat this salt which he was selling.

"*Is forbidden.*" The word enumerated is calculated to exclude other articles; which, then, are these? According to Hiskia, preserves into which the majority are known to omit wine, is excluded even for benefit; and according to R. Johanan, also muries and cheese from Beth-Unirka. R. Meier's opinion is cited here without the mention of his name.

MISHNA *VI.*: The following things are allowed to eat, too: Milk milked by a heathen in the presence of an Israelite, honey and honey-cake from the beehive. Others think grapes, even when trickling, are not capable of defiling, not even as moisture; preserves into which as a rule wine and vinegar are not entering; pressed fish that is not all cut, fish-brine in which there is a fish, the leaves of Chalthith; soft olives closely packed in a barrel. R. Jose prohibits them if their kernels fall out easily. The locusts are forbidden when coming from the grocer's basket, but are allowed when they come from the pantry; the same is the case with heave-offering.

GEMARA: This Mishna bears out what the rabbis teach elsewhere—viz.: An Israelite sitting near the herd of a heathen who is milking milk, may drink it without any fear that the heathen has adulterated it. How was the case? If there is in the herd no milk-giving animal of the unclean order, it is obvious that the milk is allowed, but if there be one why should the milk be allowed now that the Israelite is unable to see which animal the heathen is milking? The rabbis intend to teach thus: The Israelite must occupy such a position that upon rising he could see the heathen milking, in which case it is allowed, for the heathen will be afraid to mix in unclean milk, as the Israelite might at any moment rise and see what he is doing. The rabbis emphasize this in order to dispel the belief that the milk is forbidden by reason of the Israelite's sitting position; the possibility, they hold, of his rising and observing the heathen's doings renders the milk allowed.

"*The honey is allowed.*" This could not possibly be forbidden, as there is not reasonable fear that the heathen will mix in it foreign stuff which would surely spoil the honey. Nor is there any reason to fear that the honey may be cooked, for even if this be the case, the honey is allowed, as the basis of the previously established rule that whatever is eatable in its raw state is allowed also when cooked by a heathen. Finally, there can be no fear that the honey having been possibly kept in forbidden vessels may have absorbed the

vapor imbibed by the latter, since this would spoil the flavor of the honey.

"*Also grapes even when trickling,*" etc. This is apparently contradicted by the following: Shamai says, if one gathers grapes for the wine-press, they are, when trickling, subject to defilement to an extent as if water has been poured upon them. Hillel, who was at first inclined to hold the contrary, agreed at last with Shamai's opinion; hence, the moisture is defiling? This is no contradiction; when one puts the grapes into the press it is for the purpose of making wine, and if the grapes are moist, it is readily seen; while here it is a case of eating grapes when one intently looks for dry ones, and when these trickle too, no heed is taken, since they are used for eating and not for making wine.

"*Pressed not all cut,*" etc. The rabbis taught: When the head and backbone are whole, it is not all cut; "Fish-brine in which the fish is," means, when there are in the brine one or two worms called Chilbith, it is allowed. Now, if this is allowed with one Chilbith in it, why does the statement read: one or two? In a closed barrel one is sufficient, while in an open one two are required (because it may be supposed that one fell in from some other vessel). It was taught: R. Huna says it is allowed only when its head and backbone are recognizable. R. Na'hman said: Only when either of the two is recognizable. Whereupon R. Uqha b. Hama objected: We know that fish with scales and fins are allowed to eat; now, how is it possible to recognize an allowed fish by its head or backbone? Said Abayi: The fishes here in question are the Arah and Palmuda, which are of the clean order, but whose heads resemble those of the unclean. R. Jehudah said in the name of Ula: R. Huna and R. Na'hman have here in view the fish-brine, and not at all the fish, so that the one says: The fish-lac is allowed when the head of its fish is seen, while the other one maintains that the backbone, too, must be recognized. R. Seia said: I was in the habit of eating fish-brine with bread upon recognizing in it either the head or the backbone of its fish; now that I heard what R. Jehudah says in the name of Ula, I began to eat it only when I recognized both. Said R. Papa: The Halakha prevails: The said fishes are allowed only when both head and backbone are recognizable. To this an objection was raised from the following Thosephtha: Fishes cut in pieces and cooked are allowed in all their parts if the marks of the clean order were found, and be it

only on one part of a piece or on one piece among hundreds. A heathen brought once to market a barrelful of cut fish where a piece was found with marks of the clean order on it, and R. Simeon b. Gamaliel allowed the whole barrelful, which case all but corroborates the foregoing objection. R. Papa gave then this interpretation: All the pieces of that barrel were equal. But if so, entire statement would appear superfluous? Lest one say it should be feared perhaps another kind of fish happened to be in there, it teaches us that it is not so. A boatful of Zahontha was once brought to a fish-pond; R. Huna betook himself there to inspect them, and upon perceiving some scales in the boat, he allowed the whole. Rabha, finding it astounding that by reason of a few scales one should allow all the fish, regardless of the possibility that there might be among them fish void of scales, heralded that these fish are forbidden. R. Huna b. Hanina heralded the contrary. Said R. Jeremiah of Diphthi: I was told by R. Papa that R. Huna allowed only the fish-brine and not the fish itself. R. Ashi, however, said: I was told by R. Papa that R. Huna allowed the fish, too. As to myself, I cannot prohibit the fish after hearing from R. Papa that R. Huna allows them; nor can I allow them, however, after having learned from R. Jehudah in the name of Ula that only such fish are allowable of which both head and backbone are recognized. R. Hinna Hanina b. Aida, while once at the house of R. Ada b. 'Ahbah, said: If a ship-cargo consisting of barrels with fish-brine is brought to Israelites and the Chalbith is found in one of the barrels, they all are allowed if they were open (for it is plausible to assume that there was Chalbith in the other barrels as well, but, they being open, crept out). But if the barrels were tightly covered up, only the one with the Chilbith in it is allowed. Thereupon R. Ada asked him: Whence do you know this? From three men of great erudition: Rabh, Samuel and R. Johanan.

R. Bruna said in the name of Rabh: Fish-entrails as well as fish-rye you may buy only of a specialist. Said Ula to R. Dusthai of Biri: Since Rabh speaks of entrails and rye, it is manifest that also unclean fish have rye, otherwise he would not treat of the two in the same connection. But I am able to prove the contrary from the following: The unclean fish are viviparous, while the clean ones are rye-bearing. Well, was the reply, strike the word rye from Rabh's statement. Hereupon said R. Zera: It is not necessary to strike it out, for the

fact is that unclean fish are also rye-bearing, but so that their offspring is mature in the rye before it is ejected out of the body, while that of the clean fish is brought about by the sand. But why is it requisite that rye be bought only of a specialist now that we have signs whereby to distinguish the clean from the unclean? Have we not learned that the marks which serve to distinguish the clean from the unclean eggs of birds, are also distinctive of clean and unclean eggs of fish? But how is this possible when according to law the signs of fish are the scales and fins? The above is then to be thus understood: When the eggs are elongated, with one end pointed and the other round, it is a mark of clean ones, but if the sides are both pointed or both round, it is of the unclean order. If the yolk of the egg is on the surface and the white in the middle, it is a sign of uncleanness; the converse is a sign of cleanness. If, however, the yolk and white are intermingled, it is a sign that it comes from reptiles, and is therefore unclean. Rabha said that Rabh's view must be thus intepreted: If the fish-rye is entirely squeezed so that the said signs are no longer discernible.

And if there be no specialist, what then? Said R. Jehudah: If the vendor says, I have pickled the fish and know them to be clean, he is trusted. R. Na'hman adds: He must show the sort of fish pickled by him and their entrails. R. Jehudah instructed the waiter Ada: The vendor who says, I have pickled these fish, is to be trusted.

"*The leaves of Chalthith are allowed to eat.*" This, being, as it is, self-evident, since these leaves are not cut with a knife, is stated here in order to indicate that such a leaf is allowed even when a bit of the root is on it. If not for this specific statement, it would be plausible to think that a leaf with a piece of root on be forbidden by reason of the apparently rational supposition that the root may have come from some other vessel where it possibly was cut with a knife.

"*Very soft olives.*" Although this is likewise self-evident, its statement is none the less necessary in order to prevent the belief that, since the olives are soft, wine may have been put in them to bring about this softness.

R. Jose said: What kind of olives are these? Said R. Jose b. 'Hanina: Olives whose kernels fall out when you merely keep them in your hand, it is thus manifest that the olives were kept in wine in order to make them so soft.

"*The locusts,*" etc. The rabbis taught: Locusts, Kaprises,

Kapluthuth brought from the store or from the locality where they are prepared, or from a boat, are allowed; but those that are sold by the small tradesmen are forbidden, for they spill wine upon them. The same is the case with apple-cider, which is allowed when coming from the store, but forbidden when bought of the small tradesmen, who mix wine in it.

The rabbis taught: Rabbi suffered once from pains in the stomach, so he asked if one could tell him whether the apple-cider of the heathen is prohibited or not; said R. Ismael b. R. Jose: My father had once suffered likewise from such pains, and having taken some apple-cider seventy years old, bought of heathens, he felt relieved. Said Rabbi: You knew this and let me suffer so long! Thereupon apple-cider was sought for and found by a heathen in the quantity of 300 pitchers seventy years old already; Rabbi drank therefrom and was cured. Whereupon he said: Praised be the Omnipotent who put his world in the hands of the guardians!

"*The same is the case with it.*" How is this to be understood? As R. Sheshith said: When a priest is suspected of selling heave-offering under the pretense that it is not terumah, one is prohibited from buying of him whatever he sells; but what he brings from the pantry, or in baskets, or from the place of production, is allowed to buy of him; for here he is afraid to falsify, lest the rabbis, on being informed thereabout, deprive him of everything.

CHAPTER III.

RULES AND REGULATIONS CONCERNING THE DERIVING OF BENEFIT FROM PROFANED IDOLS AND IMAGES OF HEATHENS AND ISRAELITES.—CONCERNING UTENSILS ON WHICH ARE ENGRAVED THE SUN, THE MOON AND OTHER PLANETS.

MISHNA *I.*: All images are prohibited, for they are worshipped at least once a year, so says R. Mair. The sages, however, say: Only those that have in their hand a staff, a bird or a sphere. R. Simeon b. Gamaliel says: And that has something in its hand.

GEMARA: If it be true that these images are worshipped at least once during the year, why do the rabbis allow their use at all? Said R. Itz'hak b. Joseph in the name of R. Johanan: At the native place of R. Mair the heathens had the custom of worshipping each image once a year, in other places this was not the custom, and as R. Mair lays down his precept on the basis of the minority of cases (in order to exclude misconceptions), he accordingly prohibits the images; while the rabbis who do not follow this principle, allow to derive benefit from them. R. Jehudah, however, said in the name of Samuel: The Mishna here is concerned not with ordinary images, but with such as are wrought to honor kings. Rabba b. b. 'Hana said in the name of Johanan: R. Mair's prohibition concerns images erected in the gates of the place. It was taught, Rabba said: The rabbis allow only the use of city images, as these are but ornaments and not idols, but they prohibit the images of the villages which are worshipped idols.

"*The sages say,*" etc. This prohibition is based upon the following reasons: The staff in the hand of the idol is an indication that it submits itself to the whole world. The bird in the hand of the idol indicates that, like the bird, it sacrifices itself for the world. Finally, the sphere is to indicate that it sacrifices itself for the whole globe. Later on the prohibition was extended also to idols with a sword in hand, a crown on the head, or a seal-ring on the finger. Formerly the belief was cur-

rent that the sword is no divine emblem, but that of a robber; but it was learned later that an image with a sword symbolizes him who has sacrificed himself for the whole world. As for the crown, it was regarded an insignificant wreath, but later experience showed it to represent a king's diadem. Finally, the seal-ring was always believed to be the token of a slave, but later experience taught that an image with such a ring represents him who resolved to die for the whole world.

MISHNA *II.*: If one finds fragments of images, he is allowed to use them. However, if he finds fragments in form of a hand or a foot, they are prohibited, for such are worshipped.

GEMARA: Samuel said: Even fragments of a worshipped idol are allowed. But does not the Mishna call for fragments of images? The Mishna appends the prohibition as regards even the hand or foot of an image, wherefor it uses the word image also before; but in fact implies the allowance of fragments of an idol, too. But why should these be prohibited, being, as they are, only fragments, and such are allowed by Samuel? Samuel explains this prohibition of the Mishna thus: If one finds a hand or a foot which he perceives is not broken off an idol, but has the form of objects specially prepared for worship, it is then prohibited, for the heathens erect a kind of altar for such objects, where they put them for worship.

It was taught: R. Johanan prohibits an idol that was broken by itself (*i.e.*, without the coöperation of a human being), while R. Simeon b. Lakish allows it. The former advances the reason that the broken idol was not yet profaned by any one, while according to the latter, the breaking is sufficient profanation, for people would say: How could this idol save others when it cannot save itself? R. Johanan objected to Resh Lakish, it reads [I Sam. v. 4, 5]: "And the head of Dagon and both the palms of his hands were cut off upon the threshold. . . . Therefore do the priests of Dagon . . . not step on the threshold of Dagon," etc. (whence it is obvious that an idol, even when broken by itself, is still held sacred by the heathens!) Hereupon the other replied: This proves nought against my opinion; the heathen, in the cited case, said that the supreme god has abandoned the Dagon, dragged up to the threshold of the temple, and only then he was reconciled, wherefore they regard the threshold as sacred, but not more the Dagon. Then R. Johanan went on to object: The Mishna allows the using of fragments from images, whence it follows that fragments from images but

not from actual idols are allowed; and R. Simeon b. Lakish rejoined: Thus, you must needs infer that only broken images are allowed to the exclusion of whole images that are forbidden, since the Mishna here is not concerned with idols; and this is R. Mair's opinion, quoted without the mention of his name. This admitted, the following may be advanced against R. Johanan's view, remembering that we conclude from the words of R. Mair to those of the rabbis: R. Mair prohibits whole images, but allows fragments therefrom; hence we say: The rabbis prohibit whole idols, but fragments therefrom they, too, allow. Why, then, does R. Johanan forbid idol fragments? Simply because images do not have the same relations as idols and are not, therefore, comparable with them, for as to images it is wholly uncertain whether or not they were worshipped. Assuming, then, that they had been worshipped and we afterward found a broken image, are we not justified in further assuming that some one has broken it purposely, whereby it has been indeed profaned, and thus its use is allowed? On the other hand, regarding real idols, it is certain that they were worshipped; what is uncertain here is whether the found broken idol was of itself broken or by the coöperation of a human being. Now, it is well known that an *uncertainty* cannot negate a *certainty;* and it is on the basis of these considerations that broken images are allowed and broken idols are forbidden. R. Johanan was further arguing: It is taught that a heathen can profane the idol of his fellow heathen as well as his own, while an Israelite cannot profane the idol of a heathen. Why, then, should we not consider an idol profaned by an Israelite as one broken of itself? Said Abayi, The foregoing teaching is to be thus understood: Only then is the idol not profaned, when the Israelite by means of hammer exerted pressure upon its face. But have we not learned that such pressure, even if not attended with breaking, suffices to profane the idol? Well, this is to say that when the heathen does it, but not when an Israelite, who, in order to profane an idol, must break off a piece therefrom. Rabba, however, said: Properly speaking, the idol is profaned when the Israelite presses in its face; however, the rabbis feared, lest the Israelite should preserve such an idol before its face is pressed in by him, and then, upon becoming the possession of an Israelite, it cannot be any longer profaned. R. Johanan advanced yet another objection: It was taught: When a heathen uses the stones of Markuliss to pave therewith a street or a theatre, an

Israelite is allowed to tread upon such pavement; but he is prohibited therefrom if an Israelite paved with these stones. Why should not the stones be regarded like an idol that breaks of itself? This prohibition was promulgated for the same reason indicated above by Rabha. He made a further objection from the following: If a heathen breaks off a piece from an idol for his own use, the idol is thereby profaned and the Israelite is therefore allowed to use it as well as the severed piece. If, however, the heathen did it with a view to embellish the idol, it is not profaned thereby, and is consequently prohibited; the piece, however, is allowed. But if this be done by an Israelite, both idol and piece are forbidden; because this case is considered analogous to that of an idol broken of itself? This prohibition is likewise based upon the foregoing declaration of Rabha.

Then R. Simeon b. Lakish raised the following objection to R. Johanan's opinion: A bird's nest on the top of a tree belonging to the temple is prohibited to derive benefit therefrom, but if one has derived such, no sin-offering is obligatory. However, such a nest when on a tree of a grove is allowed to be pulled down by a pipe and to be made use of; now, as in all probability the birds use for their nests the wood of the tree they inhabit, these nests are allowed, whence it would follow that the use of a self-broken idol is likewise allowed? Nay, not at all: Here, in the case of the bird's nest that is allowed, such nests are spoken of for the building of which it is known with certainty the birds take the materials from other trees and not from the idol grove. R. Abuhu in the name of R. Johanan, however, said: In the Boraitha it is not the nests, but rather the young birds of the nests that are concerned. The young birds are allowed, provided their nest is pulled down by a pipe (since climbing upon the tree, if allowed, may lead also to the using of the forbidden tree itself). Said R. Jacob to R. Jeremiah b. To'hlipha: Let me explain to you the Halakha in question: The birds in the nests of trees belonging to the temple as well as groves, are allowed, for they fly around; but the eggs in these are forbidden, for they, remaining as they do in the place, derive use from the tree; hence, if I take the eggs, I likewise derive some use from the tree indirectly. Said R. Ashi: Young birds unable to fly are subject to the same rule with the eggs.

MISHNA *III.*: If one finds vessels with the image of the sun, moon, or of a dragon on them, he must throw them into the salt lake. R. Simeon b. Gamaliel said: Only when these

vessels are of a distinguished character they are forbidden, while insignificant vessels with such images on are allowed.

GEMARA: This Mishna would lead to the conclusion that the heathens worship only the sun, the moon, and the dragon. However, I am in a position to prove that they worship yet other objects. There is a Thosephtha: If one slaughter an animal in the name of the sea, the rivers, the desert, the sun, the moon, stars, planets, or the name of the archangel Michael, or even in that of the smallest gnat, it is considered an offering to the dead. Abayi solved this difficulty thus: The heathens, it is true, are worshipping many an object, but as regards images they worship only those of the objects mentioned in the Mishna; other images serve but to decorate houses and towns. R. Sheshith, who was gathering Mishnaioth for explaining them, taught thus: The images of all the planets are allowed, excepting those of the sun and the moon. All statues are allowed, excepting those of a human being. All pictures are allowed, excepting the image of a dragon.

The master said: The images of all the planets are allowed, etc. How is the case? If to make these images, this is expressly prohibited, as it reads [Exod. xx. 23]: "You shall not make beside me"—that is to say, not to make any representations of my servants in heaven. Hence, what is allowed by the master is not the making, but the finding of such images, which is in accord with the Mishna inasmuch as it prohibits only those of the sun and moon. But again, is not the finding of a statue of a person allowed in the Mishna by implication, while he forbids it? Must we not say, then, that it is the making that is concerned here and is in accord with R. Huna b. Jehoshua? Assuming then that the allowance concerns the making, we are confronted with another difficulty: The last statement prohibits the reproduction of a dragon, which is by law allowed; we should then of necessity have to teach that it is the finding that is allowed, which is in accordance with the Mishna, so that of the three statements in the Boraitha the first and third refer to the finding, while the middle one to the making? Thereupon said Abayi that it is so. Rabha, however, asserted that the three statements have all reference to the finding, and as for the statue of a person, he says, the Boraitha is in accordance with the following: R. Jehudah prohibits also found vessels with the image of a nurse or of a serapis on them. The nurse signifies Eva, who was nurse to the whole world; serapis signifies Joseph, who

was a prince and supplied the whole world with bread, thereby appeasing mankind. The human image and that of a nurse are however, prohibited only when having respectively a measure in the hand and a son in the arms whom she is nursing. The rabbis taught: How does the prohibited dragon image look? Said R. Simeon b. Elazar, it has scales between the joints. R. Assi confines these to the neck joints only. Said R. 'Hama b. Chanina: The Halakha prevails with R. Simeon b. Elazar. Rabbah b. b. 'Hama said in the name of R. Jehoshua b. Levi: I was walking with Eliezer Hakaphar the great, when he happened to find a ring with the image of a dragon on it. While standing still before the ring he noticed a heathen boy pass, and spoke not to him; later an adult heathen came passing by, and to him he said: profane this ring (break a piece off it), and as the heathen did not obey, he hit him till he profaned the ring. This incident taught him three things: (1) A heathen may profane his own idol as well as that of a stranger; (2) only he is capable of profaning an idol, who knows the nature of idol and idol worship, and (3) one may compel the heathen to profane an idol. R. Hanina, however, ridiculed this, saying: Was not R. Eliezer aware of the following Boraitha: When one saves something from a lion, a bear, a leopard, or from the hands of burglars, from a river, or picks up what the sea-waves thrust upon the shore, or while crossing a stream, or simply in the street, the theatre, or generally in a place where many people pass, all this, be it what it may, he can consider his own, for the owner having lost his property in this manner or in such a place, has surely abandoned the idea of finding it. In the light of this consideration it is obvious that the heathen owner of the ring, having lost it in the street, has renounced the hope to find it, and thereby profaned it as an idol; why, then, was it according to R. Eliezer necessary to profane it again? Abaye explained it thus: The owner of this ring has, it is true, given up the idea of getting it back as property, but continues to consider it an idol which, if found by a heathen, will be worshipped, and if by an Israelite, he will surely sell it to a heathen; hence the fact of being lost does not profane the idol, and R. Eliezer was in the right.

"*R. Simeon b. Gamaliel says,*" etc. Which objects are the distinguished and which the insignificant ones? Said Rabh: Vessels that are not made wet are of the former sort; Samuel, however, maintains that vessels used to eat in are of the insig-

nificant, while those used as ornaments are of the distinguished kind. Yea, it was taught, there is a Boraitha in accordance with Samuel: Distinguished are the vessels found on arm-bands, nose-bands and finger-rings, while of the insignificant sort are, kettles, pans, pitchers, bed-clothes, towels (and the images found thereon are allowed).

MISHNA *IV.*: R. Jose said: One may grind the images and scatter them to the wind, or sink them into the sea. Thereupon it was objected: They might turn into dung, and it reads [Deut. xii. 18]: " And there shall not cleave to thy hand aught of the devoted things."

GEMARA: There is a Boraitha: R. Jose met the objection by quoting [ibid. ix. 21]: " And your work of sin, which ye have made, the calf, I took and burnt it in fire, and stamped it, grinding it very small, until it was as fine as dust: and I cast the dust thereof into the brook that descendeth from the mount." The rabbis, however, rejoined: This does not corroborate your view. Moses cast the dust of the golden calf into the water not to destroy it thus, but in order that he might give this mixed water to the Israelites to drink, thus testing who of them worshipped the calf, in the same manner as the test of the bitter water was applied by the priest to detect whether a woman has committed adultery (conf. Numb. v. 18). This is clearly shown from the following [Exod. xxxii. 20]: ". . . he strewed it upon the water and made the children of Israel drink of it." Thereupon replied R. Jose, quoting as follows [II Chron. xv. 16]: " . . . he removed Ma'chah his mother from being queen, because she had made a scandalous image for the grove, and Assa cut down her scandalous image and had it ground up, and burnt it by the brook Kidron," which passage clearly shows that it is allowed to grind up the idol and scatter it to the wind. In the vale of Kidron, he was answered, there is no vegetation. But have we not learned that the blood of the sacrifices from both the inner and outer altar after uniting in the aqueduct was flowing into the vale of Kidron, where it was being sold as dung for the gardens; when one took some of this blood without paying therefor he was to bring a sin-offering; hence, there were gardens in the vale of Kidron? Yea, but there are there also great expanses void of all vegetation. R. Jose was then further arguing, it reads [II Kings, xviii. 4]: " . . . and stamped in pieces the copper serpent that Moses had made," etc. And it was retorted: This is no corroboration of your view, for it reads

[Numb. xxi. 8]: "And the Lord said unto Moses, Make (to) thyself a serpent"; here the word (to) 'thyself' indicates that Moses was to make the serpent of his own metal, whence it follows that when in later times the Israelites began to worship it, the serpent did not become an idol whose use is forbidden, for others' property, even when worshipped, cannot become an idol whose use is prohibited; accordingly, King Hiskia was not obliged to destroy the serpent in question, but had in some way or other to render it impossible to be the object of worship for the Israelites. Rejoined R. Jose, hence [II Sam. v. 21]: "And they left their idols there; but David and his men scattered them"; hence, scattering suffices (and that R. Jose interpreted the word Vaissuom = scattered them—correctly, may be shown yet from R. Joseph's interpretation of [Is. xli. 16]: "Scatter them so that the wind carry them off.") He was again answered: Nor does this quotation bear you out, for it reads [I Chron. xiv. 12]: "And they left their idols there, and David had them burn with fire." Now that the first-cited verse is from II Samuel, and this one from I Chronicles, the two cannot be understood literally; but the right inference is that word vaissuom means: he picked them up, *i.e.*, he carried them off in order to make use of them. The apparent contradictions of the two quoted verses are explained by R. Huna thus: At first David ordained to burn the idols, since the Israelites could not possibly profane them; but before this order was executed, the heathen, Ithai the Gethite, had come and profaned the idols, whereupon their use became permitted, and therefore David had them carried away. Similarly we find [II Sam. xii. 30]: "And he took the Crown of Malkam from off his head; its weight was a talent of gold and had precious stones, and had it put upon the head of David"; now, how could he make use of the crown of an idol? It was again Ithai the Gethite who, according to R. Na'hman, had first profaned it. But look here, how could David's head carry a crown of a talent? R. Jehudah in the name of Rabh explains this figuratively to mean: The crown was worthy of adorning the head of David. However, R. Jose b. 'Hanina said that the crown was kept in the air by the force of a magnet, and David was sitting beneath it, so that it looked as if he had it on. But R. Elazar said: David actually had the crown on his head, but it was not of a talent weight, as it consisted only of precious stones, its worth amounted to that of a talent in gold.

It reads [Psalm, cxix. 56]: "*This* was accorded to me, because

I observed thy commands." What is the word "this" to emphasize here? David wants to point out *this testimonial* he obtained for the said observance. What testimonial? Said R. Jehoshua b. Levi: This is the crown which had the peculiarity to fit only (to) him who possessed the kingdom, and the fitting was on the spot where the Thephelin are carried. [II Kings, xi. 12]: "And he brought forth the King's son, and put the crown upon him, and (gave him) the testimony." The crown is the princely diadem, but what is the "testimony"? Said R. Jehudah in the name of Rabh: This crown was itself testimony in the same time, as it fitted only him to whom the kingdom belonged, *i.e.*, to the house of David.

It reads [I Kings, i. 5]: "And Adoniyah, the son of Chaggith, exalted himself, saying, I shall be king, and he procured himself a chariot and horsemen and fifty men who ran before him." Said R. Jehudah in the name of Rabh: Adoniyah imagined that the crown will fit him, but this was not the case. What kind of distinctive marks had the mentioned forerunners? We were told that their spleens were cut out, and the flesh was removed from their footsoles in order that they might run with greater speed.

MISHNA *V.*: Peroklas, the son of a philosopher, asked once R. Gamaliel at Ako, who was then bathing in the bath of the goddess Aphrodite: Your law prescribes [Deut. xiii. 17]: "Let nothing of the devoted objects cleave to thy hands"; why, then, do you bathe in the bath of Aphrodite? And he answered: Such questions are not answered—at a bathing place. After he had left the bath he said: I am not come into her domain, but it is she that is come into mine; truly, people do not say: The bath is erected to adorn the Aphrodite, but the Aphrodite is to ornate the bath; moreover, you would not agree for any amount of money to appear before your idol when you are naked or urinating. The Aphrodite, however, stands on the channel, and everybody urinates in front of her. The law says their gods, *i.e.*, to say such toward whom one behaves with dignity inspired by something divine; while whatever does not inspire such a behavior, is allowed.

GEMARA: Why did R. Gamaliel at all answer *in the bath?* Has not Rabba b. b. Hana said in the name of R. Johanan: Everywhere but in the bath and toilet it is allowed to speculate upon subjects of the Law? Is it, you think, because he answered him not in the holy tongue? Has not Abayi said that

indifferent matters may be spoken of in the holy tongue and be it in the bath or toilet room, while holy subjects must not be discussed in these places, not even in another tongue (than the holy one)? There is a Boraitha: R. Gamaliel gave, indeed, no answer, until he had left the bath, when he said: In a bathing place one is not to answer. R. 'Hama b. Joseph said in the name of R. Oshia: R. Gamaliel gave Peroklas an evasive answer; but *I* (Hama) say it was not evasive. The evasiveness of the answer apparently consisted in that he said, this (Aphrodite) stands on the channel, and everybody urinates in front of her; thereby R. Gamaliel wanted to prove that the Aphrodite is profaned and he may, therefore, use her, which is not the case; because Rabha said: The front site of the very idol Peor is used as a toilet-room, and yet it is not profaned thereby; consequently, the Aphrodite is not profaned either by the fact of urinating before her. None the less, I am about to prove that R. Gamaliel's answer was, after all, not evasive. The Peor and the Aphrodite are incomparable; the worship of the former consists in *excrementing* before it, while that of Aphrodite was not of this kind, wherefore she is actually profaned thereby. Abayi, however, said: The evasiveness lies in his saying, I am not come into her domain, but she is come into mine, whereby he surely meant that if he came into her domain, she would be prohibited, which is not the case, since we have learned that a garden or a bath-house belonging to an idol, is allowed when offered gratis, but not for pay. Thus R. Gamaliel was allowed to bathe there even if the place belonged to the Aphrodite, hence, the evasiveness of his answer; but I say this was not evasive because assuming that the bath belonged to the Aphrodite, R. Gamaliel could not go in there, for the heathens would have considered it a honor if so distinguished a personage had gone to their bath and be it gratis. R. Simi b. 'Hyye said: The evasiveness in the answer did not consist in what has been here recited, but in what R. Gamaliel said further: It stands on the channel and everybody, etc., whereby he intends to indicate that the Aphrodite is profaned, whereas we have learned that by spitting or urinating before the idol, or by dragging it in the dirt, one does not profane it; but I (Simi) say it was not evasive, as such act as described here one may have committed once when moved perhaps by anger, but then he might become reconciled; while there, in the case of the Aphrodite, this takes place daily and is therefore a real profanation. Rabba b. Ula

said: R. Oshia thought to have found the evasive point in what R. Gamaliel said: People do not say that the bath-house is erected to adorn the Aphrodite, but, etc., whence it would follow that if the reverse were the case, the visiting of the bath would be forbidden, whereas we have learned: When one says, this house or this goblet be devoted to the idol, he said nothing, for only such objects as are actually sacrificed to the idol, are forbidden. Hence, the bath in question would not be prohibited. And I, Rabba, say: R. Gamaliel's answer was after all not evasive, because admitting that the bath-house is not offered as a sacrifice to the idol, it is none the less put up as a decoration for it, and then it would indeed be prohibited.

MISHNA *VI.*: The mountains and hills worshipped by heathens are allowed to use, but not the things brought upon them, for it reads [Deut. vii. 25]: "Thou shalt not covet the silver or gold that is on them, so that thou wouldst take it unto thyself." R. Jose the Galilean says, it reads [ibid. xii. 2]: "Their gods on the mountains," but not their mountains as gods; "their gods on the hills," but not their hills as gods. Why, then, is a grove prohibited? Because it is established by the hand of man, and whatever is made by human hand is forbidden. Hereupon said R. Aqiba: I should explain and interpret this statement thus: Wherever you find a high mountain, an elevated hill, a leafy tree, there is surely an idol there.

GEMARA: What is the point of difference between the opinion expressed by the first Tana of the Mishna and that of R. Jose? Said Rami b. 'Hama in the name of Resh Lakish: It concerns the covering of mountains, which the former prohibits by reason of its having been brought up on the mountain, while the latter allows it because, being, as it is, fastened to the mountain, it is to be treated as the mountain itself. R. Sheshith, however, said: Nay; R. Jose, too, prohibits it, and their point of difference is in the following: A tree worshipped after it has been planted and grown to be big, is, according to the first Tana of the Mishna, allowed by reason of its being worshipped after it has taken root on the mountain, while R. Jose prohibits it because it was planted by human hands. This view is shared also by R. Jose b. Jehudah, who says, it reads [Deut. xii. 2]: "Ye shall utterly destroy all the places whereon . . . (they) served their gods, upon the high mountains, and upon the hills, and under every green tree," whence it follows that the gods on the mountains, and not the mountains themselves, are for-

bidden; similarly with the hills. Lest the inference be drawn that what is put under the tree is forbidden but not the tree itself, it reads in the next verse: "Their groves ye shall burn with fire," *i.e.*, the tree is likewise prohibited. But why is it stated: "Under every green tree"? This is explained in the sense of R. Aqiba's statement in the Mishna. Now, how does the first Tana of the Mishna, who allows the tree, explain the verse, Their groves, etc.? He understands this to mean such groves that were originally planted for worship, and they are forbidden, but trees not purposely planted for worship are allowed even when worshipped later. On what does R. Jose b. Jehudah base this, his view, if not on the verse "Their groves," etc.? On the following [ibid. vii. 5]: "Their groves ye shall cut down," whence it is obvious that only what is cut down is forbidden, but not the roots, and this can be only with a tree worshipped after it has been planted. Now the question arises, how does the first Tana of the Mishna infer from this last verse? What R. Jehoshua b. Levi said: As the Israelites came into the promised land, they were ordained to cut down all the groves they might find before, and to burn the trees after the conquest of the land had been completed. Wherefore the one verse speaks of hewing down, and the other of burning, the groves. As R. Joseph reads [ibid. vii. 5]: "Ye shall tear down their altars," and there is here no call for carrying them off, hence they must be left where they are; "Ye shall break their pillars," and no mention is made of carrying them off. But how can R. Joseph say that these objects be left in their places, when it is obligatory to burn all things belonging to the idol? R. Huna said: Prosecute first and then burn. Whence is this order of events known to R. Joseph? From [ibid. xii. 2]: "Abed-theabdun," the one meaning literally: to destroy, ye shall destroy, hence it is a reference to two successive events. As to the first Tana, he understands this redundancy as calculated to indicate that both idol and all its belongings, the subterranean included, be utterly annihilated. While R. Jose b. Jehudah infers this radical destruction from [ibid. xii. 3]: "And ye shall annihilate their names from the same place." The first Tana, however, explains this as to mean: A town or place bearing the name of an idol should be renamed. Here is a Boraitha to this effect. R. Eliezer says: The verse, Ye shall annihilate their name, etc., means that while annihilating an idol it is obligatory to search also under the ground for its belongings. Said R.

Aqiba to him: This obligation is inferred from the foregoing redundancy of "to destroy and you shall destroy," while the last-mentioned verse is to indicate that a town bearing the name of an idol must be renamed. As to the nature of the new name, it must not be indifferent, *i.e.*, neither a honor nor a disgrace to the idol, for it reads [ibid. 7]: "Thou shalt utterly detest it and thou shalt utterly abhor it for it is accursed," hence, the name must always be either a detest or abhorrence. *E.g.*, if the name was originally Beth Galia, *i.e.*, House of revelation change it to Beth Karia, *i.e.*, House of concealing; Ein Kol, *i.e.*, The all-seeing eye, change to Ein Kotz, *i.e.*, the thorn-eye.

The schoolmen propounded the following doctrine in the presence of R. Sheshith: Mountains and hills worshipped by heathens are allowed, but the worshippers should be executed by sword. Worshipped shrubs and ferns are forbidden and their worshippers are to be executed. Said R. Sheshith: Your doctrine is in accordance with R. Jose b. Jehudah, who said: A tree even if not planted with the purpose of worshipping it, is forbidden if worshipped afterward; in like manner are worshipped ferns and shrubs prohibited, though not destined for worship when planted. But what prompts R. Sheshith to interpret the schoolmens' proposition regarding shrubs and ferns as meaning that these were not planted expressly for worship? Because as they are treated of together, he finds it more natural to say: Just as mountains and hills have not been created for worship, in like manner have not the ferns and shrubs been sowed and planted for worship.

It was taught: If stones absolved fortuitously from a mountain rock that was worshipped, is their use allowed or not? Two opinions, one affirmative, the other negative, are held as regards this question, the contending parties being the sons of R. 'Hyye and R. Johanan. However, the affirmative side contends that the stones are treated as the mountain which, if worshipped, is allowed by reason of its not being made by man. The objection that the mountain is immovable while the stone is movable, may be met thus: Worshipped cattle, though movable, is, except for the temple, allowed, for it does not owe its origin to man, hence the same may apply to the stone in question? If you were to dispute the comparison, one of the terms compared being possessed of life while the other one not, it may be answered that the mountain is also a lifeless being, but is allowed; the conclusion returns, for a mountain is not like cattle and *vice versa;*

but their common point is that they are not made by man, hence the inference that all objects not made by man are allowed, and the stones here are of this category.

Asked Rami b. 'Hama: Is it allowed to use the stones of a worshipped mountain for an altar, or it is here a case analogous to that of a worshipped cattle which cannot be offered as sacrifice, though it is allowed to slaughter it and to eat the meat thereof? The two are hardly analogous: the cattle is itself sacrificed, while here the stones are first blasted off, and besides they are not sacrificed as such. Therefore the two cases cannot follow the same rules. Rabha decides the case by an *a fortiori* argument—viz: The law permits to make common use of a prostitute's remuneration, regardless of whether it is of a movable or immovable nature, but it is prohibited to use even the latter for God, as it reads [Deut. xxiii. 88]: "Thou shalt not bring unto the house of the Lord either the reward of a prostitute nor the exchange for a dog"; whence the conclusion: since the movable worshipped object is forbidden even for common use, the more so will an immovable worshipped object be forbidden for God. Said R. Huna b. R. Jehoshua to Rabha: Since the provision of the Law with reference to the immovable remuneration of the prostitute is not specific, the process of your *a fortiori* argument may rather be reversed, *i.e.*, we may reason from the rigorous to the lenient thus: We know that worshipped movable objects are prohibited even to man, and yet the immovable is allowed for the temple, because it reads: "Their gods on the mountains" to exclude the mountains which are not regarded as gods and which are therefore allowed; consequently, since the prostitute's reward, which is not treated so rigorously as worshipped mountains, is even if movable allowed to man, the more should it be allowed, in its immovable form, for the case of the temple. This, my view, can by no means be objected to from the phrase *into the house* of the foregoing verse, which you might attempt to interpret thus: If one give to the prostitute as her reward a tree or a stone grave, these objects are not to be used for the amelioration of the temple; because the said phrase has a totally different meaning, as is shown from the following Boraitha: "Thou shalt not bring it into the house of thy Lord," whence it follows that it is allowed to purchase for the prostitute's reward a red cow, for such one is not brought into the Lord's house, but was burnt outside the city; so said R. Eliezar, while the sages held: The phrase *into the house*

teaches that it is prohibited to take the said reward in order to buy for it gold wherewith to decorate the walls of the temple. Rejoined Rabha: As in this case the reasoning may be pursued both from the rigorous to the lenient and from the lenient to the rigorous, we must take account of the established rule to reason from the rigorous to the lenient, and not *vice versa*. Said R. Papa to Rabha: Ye cannot prove the foregoing rule to be inconvertible, as we find a case where it was proposed to reason from the lenient to the rigorous: when the day of preparation to Passover happens to be on a Sabbath and there was one who, having become unclean through contact with a dead body, counts on this Sabbath the last day of his uncleanness, so that, in order to cleanse him, the water of ashes of the red cow must be sprinkled upon him, an act which is not otherwise allowed to perform on Sabbath, R. Eliezer allows the performance of this act in this case in order that the unclean one receive his cleansing, as it was his duty to eat from the Easter lamb. R. Aqiba, however, forbids it. Thus you see that while R. Eliezer reasons from the rigorous to the lenient (compelling thereby the unclean to eat from the Easter lamb), R. Aqiba reasons from the lenient to the rigorous (freeing thereby the unclean from this duty). Hereupon rejoined Rabha: This case is not apt to prove anything; the opinion of neither one is correct; it was R. Eliezer himself who once taught to R. Aqiba that sprinkling of the ashes on Sabbath is forbidden, but he then forgot all about it, so that his disciple, R. Aqiba, attempted to gently remind him in the above controversy; but as he did retract his view, R. Aqiba said to him: All your reasoning cannot convince me, for you told me yourself that the sprinkling on Sabbath is in this case forbidden.

MISHNA *VII.*: If a house situated close by a worship-house of an idol crumbles down, its owner is prohibited from rebuilding it, but he must recede four ells into his property and then build; but if the house and the said worship-place have the wall in common he should count in a half of the thickness of the wall. Stones, wood, and rubbish thereof are defiling as reptiles; for it reads [Deut. vii. 26:] "Thou shalt detest it." R. Aqiba said, it is defiling like a menstruant woman, for it reads [Isa. xxx. 22]: "Thou wilt cast them away like Dovoh (menstruation)," *i.e.*, as a menstruant woman defiles by carrying, so an idol, too.

GEMARA: But if the wall recedes four ells the idol will

thereby become more spacious! Said R. 'Hanina of Sura: This space should be made a toilet-room, or a hedge of thorns be fenced between the idol and the vacant space.

MSHNA *VIII.*: There are three kinds of houses: (1) a house originally built for idol worship is prohibited; (2) if calcimined, repaired or somewhat renewed for idol-worship, then it is necessary to take off it only the new additions; (3) a house into which an idol was placed but thereafter removed from it, is allowed.

GEMARA: Rabh said: A house that is worshipped is prohibited; whence it is manifest that he shared the opinion that a movable object rendered immovable (like a house that is made up of movable materials) and then worshipped, must be treated as if it were still movable, and is therefore forbidden. And when the Mishna limits the prohibition only to a house originally built for idol-worship, thus allowing by implication a house built without such express purpose, it is because it treats of a house which was immediately upon its completion destined for idol-worship, but has not yet been worshipped, and prohibits it none the less; while Rabh forbids it after it has been worshipped. But if such be the case, the Mishna would have four points to treat of instead of three! The answer is that a house originally destined for idol-worship and a house that was already worshipped are treated of alike, hence the Mishna regards but three laws.

MISHNA *IX.*: There are three kinds of stones: (1) a stone originally hewn for a statue is prohibited; (2) if calcimined and decorated, or otherwise somewhat renewed for idol-worship, then only the new additions must be taken away; (3) if one had placed an idol upon it but it was afterward removed, it is allowed.

GEMARA: R. Ami said: A calcimined and decorated stone is forbidden only when the lime penetrates it through its crevices. However, since the provisions of the houses precede those of the stones, and a calcimined house is forbidden it would appear natural to prohibit a stone, too, even when the lime has not penetrated it. But the fact is that the house is forbidden also because the lime penetrates its walls; otherwise it would not be forbidden. However, as the Mishna makes no mention of this circumstance, we could suppose thus: When a house once calcimined is afterward again calcimined and only thereafter used for idol-worship, the lime could not penetrate such

a house, and yet it is prohibited; hence, R. Ami's words must be understood as follows: The stone is allowed provided the lime that penetrated its crevices when calcimined has been afterward removed. And if not for this, R. Ami's statement, it would have been plausible to believe that such a stone, the lime having penetrated it, must be treated as one originally hewn for a statue and is therefore forbidden.

MISHNA *X.*: There are three kinds of groves: (1) a tree originally planted for idol-worship is prohibited; (2) if it was clipped and trimmed or somehow otherwise altered for the idol, only the alterations must be removed; (3) a tree under which an idol was put, but thereafter destroyed, is allowed.

GEMARA: Said the disciples of R. Janai: The clipped and trimmed tree spoken of in the Mishna is prohibited only when branches were engrafted thereon, but not when it was merely trimmed. Now that the Mishna makes no mention of this restriction, the foregoing statement must be thus understood: If branches are engrafted in such a tree but then removed, it is allowed; and if not for this statement one could entertain the opinion that a tree in this condition must be treated as one originally planted for idol-worship, and is therefore forbidden.

R. Samuel said: When a worshipped tree sends forth, after being worshipped, new twigs, they, too, are prohibited. R. Elazar objected thereto on the ground that the Mishna prohibits the tree only when clipped and trimmed or somehow otherwise altered, without mentioning aftergrowth. This apparent contradiction (between Samuel and the Mishna) is thus explained: The Mishna gives the opinion of the rabbis, who allow a tree not purposely planted, but afterward used, for worship; the Mishna accordingly allows all that grew on the tree after its being worshipped; while Samuel shares the opinion of R. Jose b. Jehuda, who forbids such a tree unconditionally, and therefore he prohibits its aftergrowth, too. This explanation R. Ashi opposed: Is it at all necessary to assume that Samuel differs with the rabbis? Maybe they, too, hold that the branches growing after the worshipping are forbidden? The point of difference in the respective opinions of the rabbis and R. Jose consists in that the former allow the roots of the worshipped tree on the basis of the verse, "Their groves ye shall cut down," hence, only this is forbidden that can be cut down, but not the roots; while R. Jose prohibits also the roots on the ground of "Their groves ye shall burn with fire"; hence, wholly destroy, root as

well as stem. And lest one say: The rabbis based their opinion upon the verse referred to by R. Jose, who himself made use of the rabbis' verse, whence it would follow that he, thus allowing the roots, too, differs with the rabbis only in respect of the aftergrowth, which he forbids, while they allow it, R. Ashi would meet this objection as follows: This cannot be proven, since R. Jose has never positively cited the verse "Their groves ye shall cut down," the imputation is therefore unfounded; hence, we may say that it is not his opinion. However, the above-quoted verses admit of an explanation in a reversed manner, notably: R. Jose prohibits the roots which the rabbis allow, but as for the branches, newly grown after the worship, the rabbis, too, prohibit them; hence, Samuel is of the same opinion with the rabbis. Also this argument was objected to thus: If such be the case, according to whom is the statement that prohibits the trimmed and clipped tree, thus allowing by implication the aftergrowth? It is not according to the rabbis prohibited, as they prohibit it even if the tree is not trimmed; nor is it in accordance with R. Jose, the author, as he prohibits not only the aftergrowth, but also the roots. (Said R. Ashi): The Mishna can indeed be explained in the sense of either party; for R. Jose forbids the roots of the tree only when they are not cut and trimmed; but as soon as the tree has been clipped and trimmed, it is manifest that the tree was the object of worship, not in its present shape, but only in that appearing after the trimming; this R. Jose forbids, but the roots in such case he, too, declares allowed. Now, in the sense of the rabbis, the Mishna says: "If it was clipped and trimmed," and it was thought that this statement runs contrary to the opinion of the rabbis, who prohibit aftergrowth. But the fact is that the Mishna uses this expression, lest the belief be entertained that the clipping and trimming cause also the roots to be forbidden; hence the expression of the Mishna: "Only the alterations must be removed, all the rest is allowed."

MISHNA *XI.*: What is a grove? A tree with an idol under it. R. Simeon said: Any tree that is worshipped. In Cidon there was once a tree that was worshipped, and a heap was found under it. R. Simeon said: Search this heap. The heap was searched and an image was found underneath; whereupon he decided: As they worship only the image, we may allow the tree.

GEMARA: The Mishna asks now what is an idol-grove;

have we not learned in the preceding Mishna that there are three sorts of idol-groves? This is true; however, in reference to the first two kinds, all agree, while with regard to the last kind, the other sages differ with R. Simeon, who upholds that it cannot be at all called an idol-grove. What, then, is the criterion whereby to distinguish a tree as an idol-grove? Said Rabh: When priests sitting under a tree abstain from eating its fruit, it must be an idol tree. Samuel said: A date tree is to be regarded an idol when priests who are picking its dates say: "These dates are for the house of Nezraphi"; because they prepare of these dates beer in which they indulge in the said house. Said Amemar: I have heard from the elders of Pumbeditha that the Halakha prevails with Samuel.

MISHNA *XII.*: It is not allowed to sit down in the shade of such a tree; if, however, one chanced to sit there, he is clean. Nor is it allowed to pass under it, and if one did pass he is unclean. If its branches inclined upon the public grounds and one passes under it, he is clean.

GEMARA: "*If one chanced to sit down he is clean.*" Is not this self-evident, since he did not touch the tree? Said Rabba b. b. Hana in the name of R. Johanan: This is merely to state that sitting in the shade of the height of the tree does not defile. Shall we assume that he is allowed to sit down? Nay; it comes to teach us that even if he sat down under the tree itself, he is also clean.

"*Nor is it allowed,*" etc. The reason of this uncleanness is this: It is positively to be assumed that under such a tree there are always remnants of idol sacrifices which are, according to R. Jehudah b. Bethira, capable of defiling him who is with them under the same shelter. As in the following Boraitha, R. Jehuda b. Bethira said: We know that idol sacrifices defile whatever is with them under the same shelter, from [Psalm, cvi. 28]: "And they joined themselves unto Ba'al Pe'or, and ate the sacrifices of the dead." Here the sacrifice to the idol is compared to that of the dead; hence, as latter is defiling, so is former.

"*If its branches,*" etc. The schoolmen propounded the following question: How should this expression be understood, as meaning he *already* passed, or that all going is allowed? Said R. Iz'hak b. Elazar in the name of 'Hiskia: The latter is intended by the Mishna, while R. Johanan thinks the former meaning is the proper one. These two views may, however, be

reconciled thus: R. Iz'hak has in view the case where there is no other road, hence, necessity allows all going under the tree, while R. Johanan has in view the case where there was yet another one.

In the place where R. Sheshith lived there was such a tree, and whenever he had to pass by it he, being blind, said to his guide: Pass me by as quickly as possible. (Says the Gemara): If there was yet another road he was not allowed there, and if not, he had the right to pass by here. What was, then, the speeding by necessary? The answer is that there was but this only road, and R. Sheshith, who was a prominent scholar, wanted (on his own account) to pass it as quickly as he could.

MISHNA *XIII.*: Under such a tree is allowed to sow herbs in the winter, but not in summer. Lettuce is not allowed to sow in either winter or summer. R. Jose said: Even herbs must not be sowed in winter either, for their leaves, when falling down, would turn dung for the tree.

GEMARA: The statement of R. Jose makes it manifest that he is of the opinion that two causes of which one is allowed and the other one prohibited do, when working together, bring about a forbidden effect. (In the case before us there are two causes fostering the growth of the herbs: the dung and the soil; former is forbidden, latter allowed; hence, he prohibits the effect.) On the other hand, the rabbis who do not share this opinion allow the herbs. However, in another place (iv. Mishna of this chap.) we find these two contending parties interchange their respective views. It is true, the apparently contradictory tenets of R. Jose may be reconciled thus: He allows where the idols were ground down, as the effect here cannot even become dung, but in the present case the falling leaves surely turn into dung, hence his prohibition. But how should we explain the rabbis' contradiction? It may be explained as R. Mari b. R. Kahana said: "In proportion as the hide rises in price, one loses on the meat." In like manner it can be said here of the herbs: What the dung promotes, the shade of the tree hinders; hence, as there is no use of the leaves, the rabbis allow. Said R. Jehudah in the name of Samuel: The Halakha prevails with R. Jose.

Once a garden was ameliorated with the dung of an idol; R. Amram let interrogate R. Joseph as to how one should behave with regard to the fruit of this garden, and the answer was: R. Jehudah said in the name of Samuel, the Halakha prevails with R. Jose.

MISHNA *XIV.*: To derive any benefit of wood obtained from an idol-grove is prohibited. The stove heated therewith must be destroyed if new yet, but if old already, it must be cooled off. Bread baked therewith is prohibited for any benefit; if it was mingled with other bread, they are all forbidden. R. Eliezar says: The worth of its benefit should be cast into the salt lake. However, the rabbis responded: There is no redemption in case of idol-worship. The same is the case with a loom made of this wood and with the garment wrought therewith. If such a garment was mixed up with other garments and these again with others, the benefit of them all is forbidden. R. Eliezar, however, said: Cast their worth into the salt lake, and he was answered: There is no redemption from idol-worship.

GEMARA: The Mishna must lay down both the cases of the benefit of wood, for bread-baking and for garment-making; for if the former case alone were stated, there would be reason to think that R. Eliezar allows the use of the bread only when its worth has been cast into the sea, for as soon as the bread is entered in the oven, the prohibited object, the wood, is, properly speaking, no more, having been consumed by the fire; while in the case of a garment made with the aid of such wood, his prohibition is absolute, since the wood is all the time in existence. On the other hand, if the Mishna treated only the garment-making, there might rise the belief that the garment is forbidden by reason of the perennial existence of its instrument, while bread, where the wood was consumed by the fire, the rabbis agree with him. Hence, the establishment of both the cases. Said R. 'Hisda: I was told by Abba b. R. 'Hisda that Siera said, the Halakha prevails with R. Eliezar. Said R. Ada b. Ahaba: R. Eliezar, notwithstanding this his doctrine, prohibits the use of the wine in all the barrels if one cask of forbidden wine was mingled among them. R. 'Hisda, however, asserts that this wine, too, is allowed by R. Eliezar, provided its worth has been cast into the sea. It once happened that a cask of forbidden wine was mixed among other casks of allowed wine; whereupon R. 'Hisda was interrogated as to how to behave in this case, and his answer was to cast four zuz into the river and then we will allow the wine.

MISHNA *XV.*: How is the idol-worship of a tree profaned? If the heathen cuts down from it dry twigs or fresh branches, a staff or a rod, or even if he takes from it only a leaf, it is pro-

faned. If, however, all this be done in the interest of the tree, it remains forbidden; and if not in its interest, it is allowed.

GEMARA: The question as to how to behave toward the dry twigs and other pieces cut off the tree is discussed by R. Huna and R. Hyya b. Rabh. The one allows and the other forbids the use of these objects. This positive view is borne out also in the following Boraitha: When a heathen trims his idol, the question arises, does he do it in order to use the thus obtained wood, or in order to adorn the idol? If former be the case, both the wood cut down and the idol itself are allowed, while in the latter case the wood is allowed but not the idol. If, however, the trimming was done by an Israelite, all is forbidden, irrespective of the aim in view, because the idol of an Israelite can never be profaned. It was taught: If an idol broke down by itself, what is to be done? Rabh said: Each and every piece of it must be singly and severally profaned before its use is allowed, while Samuel maintains that an idol can be profaned only in its ordinary shape. But how is this to be understood; does not the contrary seem to be the case? Samuel means to say, then, that only an idol that is in its ordinary shape needs be profaned. The point of difference, however, here is concerning an idol not broken by itself but one that is made of small pieces, such that even a layman could put together or take apart. It is of such an idol that Rabh says it is not profaned when out of its joints, because even a layman can restore it, while according to Samuel it is not considered as an idol as soon as it loses its shape.

CHAPTER IV.

CONCERNING OBJECTS USED FOR IDOLS.—THE MANNER IN WHICH AN IDOL IS PROFANED SO AS TO BE ALLOWED FOR USE.—THE DISCUSSIONS BETWEEN THE ELDERS OF ROME ON THE ONE HAND AND R. LAMALIEL, THE PRINCE, ON THE OTHER.—HOW TO PREPARE WINE IN THE POSSESSION OF A HEATHEN FOR ISRAELITES.

MISHNA *I.*: R. Ismael says: Three stones near one another and beside the Merkules are prohibited; two stones in this position are allowed. The sages, however, said: Only the stones that are close by it are prohibited, but those that do not appear to be so are allowed.

GEMARA: The opinion of the sages is easily explained, as they hold that the heathens worship also the fragments of their idols, accordingly they prohibit only the stones that are perceptibly near the idol. But R. Ismael's opinion presents some difficulty—viz: If he upholds the view that pieces are also worshipped, he should forbid also two stones; on the other hand, if he believes that the heathens do not worship broken idols, he should consistently allow also three stones near the Merkules! Said R. Itz'hak b. Joseph in the name of R. Johanan: The limit of proximity required in the Mishna is set down at four ells; now, R. Ismael believes that the heathen might make of the three stones a small Merkules beside the big one, but not of two stones; while the sages who do not entertain this belief merely regard these stones as fragments of the Merkules, hence they forbid only those that are visibly belonging to it irrespective of their number.

It once happened that the palace of King Janai was destroyed; thereupon came heathens and erected therein a Merkules; later on others came who did not worship the Merkules, took the stones and paved a street therewith. Some of the sages abstained then from treading upon these stones, while others were passing there; hereupon said R. Johanan: The son of the saints treads on them, should we abstain therefrom?

Who was this son? R. Menahem b. Simai, so called because he would refrain from even looking upon the face of a coin. But why, this notwithstanding, were some shunning that street? Because they guided themselves by the opinion of R. Gidel, who said in the name of R. 'Hyya b. Joseph, quoting Rabh: Though the idol is capable of being profaned, yet the idol-sacrifice is not, and this admits of proof from here: "They clung to the Baal Peor and ate sacrifices of the dead idols," where a comparison is drawn between an idol-sacrifice and a corpse, to indicate that just as the latter remains but a corpse, so does the sacrifice remain unalterably an idol-sacrifice. In accordance with this, those sages who regarded these stones as idol-sacrifices, refrained from treading thereon, while the others held that stones cannot be regarded as sacrifices, since only those objects are regarded as sacrifices that were actually offered in the temple, which has never been the case with stones.

R. Joseph b. Aba narrated: Once Rabba b. Jeremiah, when visiting us propounded the following Boraitha: If a heathen takes stones from a Merkules and paves therewith the street, the Israelites are allowed to walk thereon; if, however, an Israelite did it, they are prohibited therefrom. And there is no artisan that could set right this Boraitha. (The difficulty is explained further on.) Said R. Sheshith: I, though not an artisan, will nevertheless attempt to explain it: The intricacy here implied is what R. Gidel said concerning the incapacity of an idol-sacrifice to be profaned, and is removed by reminding what has been shown above—viz: that these stones cannot be considered sacrifices.

R. Na'hman says in the name of Rabba b. Abuhu, quoting Rabh: If the worship of an idol consists in the rapping before it with a cane, and one breaks a cane before the idol in its honor, he is liable; furthermore, if it was yet a new idol never before worshipped, this act is considered a worship and renders the idol forbidden as well as the broken stick which is regarded a sacrifice. If, however, one threw a stick before an idol the worship of which consists in the throwing of sticks, the stick is not forbidden, but the thrower is liable. Thereupon said Rabha to R. Na'hman: The stick broken before the idol resembles the slaughtering in the temple, and is therefore forbidden; why, then, should not the cane thrown before the idol resemble the blood sprinkling in the temple, and be also forbidden? And he answered: Nay; the blood separates into drops through the

sprinkling, while the stick, even when thrown, remains whole. If such be the case, why should, then, rejoined Rabha, stones be prohibited when thrown before the Merkules? Answered R. Na'hman: I myself, knowing no answer to this, inquired of Rabba b. Abuhu, who, likewise ignorant of it, asked R. 'Hyya b. Rabh, who addressed this question to his father, Rabh, and he said: These stones are forbidden because when thrown before the Merkules they enlarge it, thereby themselves becoming idols. Said Rabha: This explanation is plausible if we admit that the idol is prohibited immediately upon its completion, *i.e.*, before it was worshipped; but, as we know, there is yet the other opinion prohibiting it only after it was worshipped. How, then, according to this latter view, can the stone be forbidden? Said R. Na'hman: A stone thrown to Markules is, while being thrown, considered a sacrifice, and, upon falling in heap with the other stones, an idol; wherefor it renders prohibited also the stones lying there from before, for they were worshipped by its being thrown, and the stone itself is forbidden as soon as another was cast upon it in token of honor and worship. Rejoined Rabha: According to this explanation, the last stone would be allowed, inasmuch as it has not yet been worshipped. Said R. Na'hman: When you are only able to recognize the last one, go freely and take it. R. Asha, however, explained the matter thus: Each stone, by the fact of being thrown, is (as it is not worshipped otherwise) itself a sacrifice, and in the same time an idol for the other stone following; hence these stones are all forbidden.

R. Abuhu said in the name of R. Johanan: That one is not liable for slaughtering a blemished animal to an idol is deduced hence [Exod. xx. 20]: "Whoever offers to the gods beside the Lord be excommunicated," whence it follows that liability attaches only to such objects as are fit to be sacrificed to the Lord. Said Rabha: What kind of blemish has R. Abuhu in view? Hardly that of the eyebrows, since an animal with such a defect was accepted by the descendants of Noah for a sacrifice in the temple of the Lord; hence he has in view such animals that lack a limb, and agrees in this respect with R. Eliezar, who said: Whence do we know that the desendants of Noah are prohibited from offering an animal that lacks one of its limbs? From [Gen. vi. 19]: "And of every living thing, of all flesh, too," etc. Living thing means such living being that wants none of its limbs, for from such animals sacrifices shall be offered in

times to come. Thereto was objected: The expression "living" means to exclude but such animals that have a defect wherewith they cannot survive a full year. (Rejoined R. Eliezar): Such have already been excluded implicitly by the expression [ibid. vii. 3]: "To keep seed alive upon the face of all the earth," since they can neither bear nor produce offspring. But, was retorted, how is it according to those who do not share this opinion as to the reproductive incapacity? To them the word, *ihtoch*, with thee, sufficiently indicates that Noah was ordered to take only animals resembling him in organization, and, *i.e.*, without defects. And for aught we know, Noah may have been himself defective? By no means; the Scripture calls him *tamim*, perfect; and that this attribute does not refer to his conduct is shown by the fact that he is called also *zadik*, upright. But maybe that he was perfect in conduct and upright in his dealings? Nay; this is no convincing argument that Noah may have been defective, for, had he been such, he, following the order, would have surely taken in only animals resembling him. But now that you make use of the *ihtoch* to prove that Noah's animals were of necessity normal, what is the other phrase, To keep seed, etc., good for? This was meant to remind Noah that the animais are not for keeping him company, but for reproducing their species; hence he must not take in old or castrated ones.

R. Elazar said: If one slaughter an animal to Markules, he is liable, notwithstanding that Markules is worshipped by stone-throwing; for it reads [Lev. xvii. 7]: "They shall offer no more their sacrifices unto evil spirits, after which they have gone astray," hence no blood sacrifices even to such "evil spirits" that are worshipped otherwise; as the usual worship is prohibited already in [Deut. xii. 30], "How did these nations serve their gods? even so will I do likewise."

MISHNA *II.*: Money, garments, utensils found on the head of an idol are allowed; vine with grapes on, wreaths of corn ears, wine, oil, fine flour, and whatever is offered upon the altar, is prohibited.

GEMARA: Whence is this deduced? said R. Hyya b. Joseph in the name of R. Oshia: from [Deut. xxix. 16]: "And you saw their abominations, and their idols of wood and stone, silver and gold which they had with them"; and again [ibid. vii. 25]: "Thou shalt not covet the silver or gold that is on them." From the two wordings, "with them" and "on them" we con-

clude that whatever is found with or on the idol without being an ornament thereof is allowed, but is not, if an ornament. But why not draw the conclusion that, just as all that is with the idol is forbidden, so also is all that is on it, regardless of its being an ornament or not? If such be the case, the "on them" would be superfluous. But why does the Mishna allow money which is then, doubtless, for decorating purposes? Said the disciples of R. Janai: It is allowed only when it is hung in a sack round the neck of the idol, which makes the latter look like a carrier, and this is surely no ornament; furthermore, as to garments, they are allowed only when they lie folded on the head of the idol, which makes it look like a washwoman. Regarding utensils, R. Papa said: It means here that they lie on the head so as to disfigure the idol. R. Assi b. Hyya said: All objects within the curtain of the idol are prohibited, even water and salt; while outside the curtain only decorating objects are forbidden.

MISHNA *III.*: The use of a garden or bathing-place belonging to an idol is allowed when it is gratis, but is forbidden when it is for remuneration. If they belong to both the idol and some people, their use is allowed unconditionally, whether gratis or for pay. The idol of a heathen is forbidden from the very beginning, while that of an Israelite is not forbidden until after it has been actually worshipped.

GEMARA: "*Their use is allowed unconditionally,*" etc. Said Abayi: "For pay" means that the idol-worshipper and not the priest is remunerated, while "gratis" means that neither is getting anything.

"*The idol of a heathen is forbidden from the very beginning,*" etc. The Mishna expresses here the opinion of R. Aqiba without, however, mentioning his name. For we have learned, it reads [Deut. xii. 2]: "Ye shall utterly destroy all the places whereon the nations you are about to drive out," etc.; this verse has reference to all the utensils employed by the heathens in their worship. If this be so, one could conclude that even such vessels are forbidden that were begun for idol-worship, but are not yet finished, or such that though finished, have not as yet been brought into the temple of the idol; wherefore it says in the quoted verse "in their worship," whence it follows that only what was employed at the worship is forbidden. It is in view of this that the sages prohibit the idol of a heathen not until after it was worshipped, and that of an Israelite from the

very beginning. So said R. Ismael; R. Aqiba, however, said the very contrary of what the sages maintain—viz: an idol of a heathen is prohibited as soon as prepared, while that of an Israelite only when already worshipped.

The master said: The verse [Deut. xii. 2] has reference only to utensils employed by the heathens in their worship. But does the verse speak of utensils when it speaks of places? The answer is this: The verse in question cannot possibly refer to the places, as it is stated right after: "To their gods on the mountains," whence it was concluded that the gods but not the mountains are forbidden; consequently, neither can here be meant the places, hence it is the *objects* in the places that are meant, and such objects can be no other than the utensils in question. But further above it is said: The sages prohibit the idol of a heathen not until after it was worshipped. How could the sages commit themselves to such an inference from a verse where the vessels, and not at all the idol, are concerned? The answer is that the verse says, "All places where the nations worshipped their gods." Now, as previously explained, "the places" mean the vessels on them, hence, just as the vessels are not prohibited until after they were employed in idol worship, so also the idols are forbidden only after they were worshipped. On the other hand, R. Aqiba, who does not compare the vessels to the idols, may say that the particle *eth* divides the verse into two distinct parts. As to R. Ismael, he explains his position thus: As the idol of a heathen is forbidden only after its being worshipped, it is common sense that that of an Israelite should be forbidden from the very beginning; otherwise what difference would there be between the two? Surely not that the idol of an Israelite be altogether allowed, as it reads [Deut. xxvii. 15]: "Cursed be the man who maketh a carved or molten image," etc.; hence the curse is imposed upon the making of an idol. Well and good, but this verse does not prove as yet that the *use* of the idol is forbidden! It was answered that it is further expressly stated: "The idol is detestable to the Lord," hence, prohibited. Now, how does R. Aqiba assert his position? Said Ula, from [ibid. vii. 25]: "The graven images of their gods ye shall burn with fire," etc., which "images" surely means the likeness of the idol as soon as it is graved. As to R. Ismael, he understands this verse in the sense given to it by R. Joseph, who said: Whence do we know that a heathen may profane his idol? From "The images of their gods," etc.,

which means that the idol is prohibited so long as the heathen treats it as a god, but becomes allowed as soon as he no longer treats it so, *i.e.*, breaks up some piece thereof. On the other hand, R. Aqiba proves that the heathen can profane the idol from the same source used by Samuel—viz. [ibid.]: "Thou shalt not covet the silver or gold that is on them," and ends, "Thou shouldst take it unto thyself"; this apparent contradiction he explains thus: Do not covet before the idol is profaned, but after its profanation you may take it. But again, whence does R. Aqiba know that the idol of an Israelite is not prohibited until after worship? Said R. Jehudah, it reads [ibid. xxvii. 15]: "Cursed be it, and putteth it in a secret place." This phrase, "in secret place," means, pours out before the idol his secret thoughts; hence, R. Aqiba concludes that it is forbidden only after such worship. R. Ismael, on the other hand, explains this phrase in the sense of R. Iz'hak, who says: This phrase teaches us that the idol of an Israelite must be wholly destroyed and put in a sercet place; while R. Aqiba endeavors to prove this obligation by what R. 'Hisda said in the name of Rabh [Deut. xvi. 21]: "Thou shalt not plant unto thyself a grove, any tree near the altar of thy Lord," signifies that just as an altar that becomes out of use must be removed out of sight by being buried under ground, so also the groves (that are spoken of here in connection with the altar) must be put in secrecy. R. Ismael, however, infers from this verse what is said by Resh Lakish (Sanhedrin, p. 15, par. Resh Lakish, to the end).

R. Hamnuna questioned: What is the law concerning a vessel that, after a piece had been broken off it, was again made fit for use and then dedicated to idol-worship? Before proceeding to answer this question, one must know to whose idol this vessel was devoted; if to that of a heathen, both R. Ismael and R. Aqiba consider such vessels as serving vessels, which are forbidden not until after they have actually been used in the worship. Thus, the question must refer to the idol of an Israelite, and, since R. Aqiba, who prohibits the idol of an Israelite only after worship, will doubtless do the same as regards the serving vessel in question, it can be treated only in the light of R. Ismael's opinion, so that it is necessary to know in the first place whether such serving vessels are subject to the same rules as the vessels of a heathen's idol are. If yes, they are forbidden after the use; but if they follow the rules of an Israelite's idol, they are forbidden from the very beginning. But why does

R. Hamnuna ask concerning a repaired and not a newly-made vessel? The answer is that his question has, in fact, reference to the problem of old defilement. As the following Mishna (Kelim, xi. 1): "Of metallic vessels the flat and hollowed ones are subject to defilement; if, however, they were defiled and broke they become clean. But if they were again made into vessels, the old defilement returns." Now, R. Hamnuna was in doubt as to whether this Mishna is concerned with biblical defilements only, or also with rabbinical defilements. But if so, why does not R. Hamnuna put his question regarding rabbinical defilements in general? His desire was that his question, embrace also the other point—viz: Does a rabbinical defilement return? And should you decide that it does not, then the question arises: How is the case with idolatry? Shall we assume that, because of the rigorousness of idolatry, a rabbinical be equivalent to a biblical or not? This question remains undecided.

R. Johanan asked R. Janai: I should like to know whether or no food offered to an idol, if profaned, loses thereby its defilement (which lay therein by reason of its being of the idol)? But why does he ask about food and not about vessels? Because he knew that the remedy for devoted vessels is a legal bath, which abolishes also the defilement. Furthermore, R. Johanan does not ask whether or no an idolized food, if worshipped and then profaned, still defiles; because he knows that a profaned idol is no longer forbidden, hence, its defilement is also abolished. But he put up the foregoing question merely because R. Gidel said somewhere above that all objects sacrificed to idols can never be profaned, so he wants to know now whether R. Gidel's theory applies to the prohibition which is biblical, but not to the defilement which is rabbinical, or to both? Also this question remains undecided.

R. Jose b. Saul asked Rabbi whether the vessels used (in the temple of Egypt) in the house of Chania, are allowed for use also in the temple of Jerusalem? This question suggests that R. Jose shared the opinion of those who say: The temple of Egypt was not considered an idol temple. It was, however, taught that the priests who served in the Chania temple are not allowed to serve in that of Jerusalem, the less so are those who served at idol-worships. He thus wanted to know whether the vessels follow the same rules as the priests; or since the priests are endowed with intelligence they were fined. But the vessels

destitute of intelligence should not be fined, or there is no difference? Hereupon said Rabbi: Yea; they are prohibited and there is a verse from Scripture to corroborate this, but I forgot it. R. Jose thus objected, it reads [II Chron. xxix. 19]: "All the vessels which King Achez had cast aside . . . have we put in order and sanctified." Does not "put in order" mean a legal bath and "sanctify" to bring back to sacredness, whence it is obvious that even such vessels that were used in idol-worship are allowed to be brought into the temple for use, after passing through the legal bath (the more so are allowed the vessels of the Egyptian temple)? Thereupon said Rabbi: The blessing of the Lord upon you: you have recalled to my memory the forgotten verse! "Put in order" means to hide them, and "sanctify" to substitute them by other vessels. Is Rabbi's interpretation supported by the following Mishna (Midath, i. 6): There was a pantry in the temple, where the Maccabees heaped up the stones of the altar defiled by the Greeks; and R. Sheshith said: The Greeks have defiled the altar by their idol-worship, and though these stones are allowed for private use, yet they were not used in the temple. (Similar was the case with the vessels of the Egyptian temple, which were allowed only for private use)? Said R. Papa: From the case of the Maccabees is no support at all, since the stones there were prohibited even for private use, the Maccabees guiding themselves by [Ezek. vii. 21]: "And I will give it up into the hands of the strangers . . . and they shall pollute it"; so that they could not do otherwise, for, in order that the stones be again allowed, they must be first profaned by breaking them, which is not permitted to do, as by law "*whole* stones must be used to build an altar"; nor could the stones be sawed into two (thereby becoming profaned), since the law forbids "to bring iron thereon"; so that as there was no means to profane the said stones, they were of necessity set aside. But why did not the Maccabees have the stones profaned by a heathen and make of them private use? They could not do even this, for as R. Oshia said: The sages wanted once to forbid all use of gold and silver, because the enemy carried off the gold and silver of the temple, it was, namely, feared that the money coined therefrom might reach the Israelites, and by law it is prohibited to make use of what belongs to the sanctuary. It was, however, objected: How could the sages have conceived such a wish, the gold and silver of Jerusalem forming but an infinitesimal part of those in the whole world, and the smallest can never render

prohibited the greatest part. Abayi explained the words of R. Oshia thus: The sages wanted to forbid not all the gold and silver, but only the gold and silver dinars issued by both the kings Hadrian and Traion, on which the image has become of late undiscernible, and which were surely coined of the gold and silver of the temple. However, when their attention was called to the verse, "And will give it into the hands of strangers," etc., they abandoned the idea, seeing that an object once profaned is allowed for private use. Now, as to the altar, it was a sacred place to bring offerings to God, which is not the case with the gold and silver; hence it is below dignity to use its stones in private.

MISHNA *IV.*: A heathen can profane his idol as well as that of his neighbor. An Israelite cannot profane that of a heathen. The idol once profaned, all that pertains to its service is abolished; on the contrary, if only the pertainings were profaned, they alone are allowed, but not the idol.

GEMARA: Rabbi taught to Simeon his son: A heathen may profane his idol as well as that of his neighbor; said he to him: Master, in your youth you used to teach that a heathen profanes his idol as well as that of an Israelite. (Says the Gemara): Can then an Israelite's idol be profaned? Was it not said above that such can never be profaned? Said R. Hillel b. R. Wells: He spoke then of the case where the heathen owned the idol with the Israelite in partnership. But let us see what was the reason of both his statement in his youth and in his advanced age. In his youth he thought that if an Israelite worships an idol, he does it with the knowledge of the heathen, hence the heathen, when profaning his part, profanes also that of the Israelite; while in his later days he came to the conclusion that the Israelite is worshipping on his own account, hence the heathen profanes only his own part, that of the Israelite remaining unprofaned.

There were others who taught the statement of R. Hillel as concerning the latter part of our Mishna: An Israelite cannot profane that of a heathen. And to the question, is this not self-understood? Said R. Hillel b. Wells: It refers to a case where an Israelite and a heathen are the joint owners of the idol, in which case the former can profane neither his nor the heathen's part, while the latter may his own part but not that of the Israelite. Others, however, bring this, R. Hillel's explanation, in connection, not with the Mishna, but with the Boraitha fol-

lowing. R. Simeon b. Menasia said: The idol of an Israelite can *never* be profaned; and this "never" R. Hillel b. Wells interpreted to mean that, when an Israelite and a heathen are the joint owners of an idol, the latter, by profaning his own part, does by no means profane the other's part, though it may be assumed here that the Israelite is a partner to the idol only out of complacence to the heathen. And he comes thereby to teach us that an Israelite worships an idol not on the knowledge of the heathen, but on his own.

MISHNA *V.*: How is an idol to be profaned? By cutting off the tip of its ear, the point of the nose, or the ends of the fingers, or by disfiguring its face with a hammer, even if thereby nothing is broken off. But if he only spat or urinated before it, dragged it about in the dirt, or cast such upon it, it is not profaned. If a heathen sold or pawned his idol it is profaned according to Rabbi, but not according to the sages.

GEMARA: "*Disfiguring its face with a hammer,*" etc. Why should it be profaned when nothing of it was lost thereby? Said R. Zera: Because it has thus been made unrecognizable.

"*But if he only spat,*" etc. Whence is this deduced? Said 'Hiskia, from [Is. viii. 21, 22]: "And when they shall be hungry, they will become enraged and curse their king and their god . . . and they will look unto the earth," etc., which means: Though the heathen curse his king and god and look up to the true God, he will still turn his eye back to the earth to worship his idol.

"*If a heathen sold,*" etc. In respect of this part of the Mishna Zeera in the name of R. Johanan and Jeremiah b. Abba in the name of Rabh expressed thus their respective opinions. The one says: The decision of the sages regards only the case when the heathen sold or pawned the idol to a *heathen* jeweller, but if to a Jewish one all agree that it is profaned; while the other holds that they differ also regarding the latter case. The schoolmen asked: According to the latter view, how should the Mishna be interpreted? Does Rabbi mean here that the idol in question is profaned *only* or *even* when sold or pawned to a Jewish jeweller, but if to a heathen he agrees with the sages? Come and hear. Rabbi said: My view is correct in case the idol is sold to be destroyed, and that of my colleagues, if to be worshipped. But broken and worshipped must have here some specific meaning, for otherwise we should obviously have no two opinions on the subject. And indeed, Rabbi in-

tends to say: An idol sold to an Israelite who will surely not worship, but *break* it, while the sages speak of an idol sold to a heathen who will surely not break, but *worship* it; hence they differ in both cases? Nay; it may be said that Rabbi's statement means this: My view is accepted by my colleagues, when the idol was sold to be destroyed, as they differ only when sold for worship —to a heathen jeweller.

The rabbis taught: If an idol is pawned by a heathen, or it is buried under the ruins of an old fallen house, or is stolen by burglars, or, finally, is left standing alone by the heathen, who went to the sea-countries, the question arises whether or no the heathen had in mind to come back to it, as such was the case in the time when Jehoshua had war with the Amorites; if he had, the idol is not profaned. It is obvious that all the four cases must needs be stated. The first case implies that the heathen wants to have the idol back, while in the second, the idol being left under the ruins, the heathen may be thought as renouncing it, whereby it is profaned; hence the second statement. In like manner does the third case imply something different from the contents of the preceding cases: The ruins can possibly be removed, but a burglary is less likely to be returned. Finally, the fourth case teaches us again something new—viz: while in the third case the heathen may yet think that the idol fell into the hands of *heathen* thieves and they will worship it, or even if they be Israelites, they will sell it to heathens, they themselves, having no use of it; in the fourth case he abandons the idol of his own will, since he has not taken it along with him. Hence all the four cases must be taught. Now, the concluding sentence of the Boraitha must be thus understood: If the heathen has his mind to come back as the Amorites did, it is necessary to treat the idol in the same way as it was treated at those times —namely: Not to regard it as profaned, but rather to annihilate it altogether. But did the Amorites ever return? There was nothing of the kind! The answer is that if he has in mind to return, his idol must be treated as in the war of Jehoshua (though the Amorites have not returned). But if so, why the comparison with Jehoshua's times? The Boraitha intends to teach by the way yet what R. Jehudah said in the name of Rabh: If an Israelite erects a brick to worship it, but does not worship, and a heathen comes and worships it, it is prohibited, notwithstanding the rule that no one can render a thing unallowable that is not his own; here the motive of the Israelite is

determining. How does R. Jehudah substantiate this his opinion? Said R. Elazor: He bases it on the proceedings of the Israelites upon their entering the promised land; for it reads: "Their groves ye shall burn with fire"; here, too, one could then wonder and say: The holy land, having been promised by God to Abraham and his descendants, belonged to the Israelites and not to the Amorites; how, then, could the latter have rendered unallowable these groves that were not their own? If you are ready to assume that these groves had sprung up before the promise, then you must regard them as the idol of a heathen, whose profanation, as we have seen above, suffices! Why then did not the Israelites compel the heathens to profane it and then use it? Why were they ordered to burn it down? In view of all this the verse, "Their groves," etc., must be thus explained: The promised land is indeed regarded the ownership of the Jews, and as Israel, by his worship of the golden calf in the wilderness, exhibited his inclination toward idol-worship, the grove is considered the idol of a Jew, worshipped by heathens only in accord with the Jews, and as such can by no means be profaned, but must be annihilated. And the case here with the brick is perfectly analogous. However, is the conclusion from the golden calf to the grove warranted? The Israelites might have been inclined exclusively toward calf-worship? Nay; they declaimed at that time before the calf: These are your *gods*, O Israel! whereby they must have meant a *variety of gods*, toward which they felt disposed. Finally, that the prohibition was extended to *all* groves and not only to those that were the contemporaries of the calf and which the Israelites repented, is due to the fact that there was no possibility to distinguish between old and newly-planted groves.

MISHNA *VI.*: An idol abandoned by its worshippers in time of peace is allowed, but is forbidden when abandoned in time of war. Altars erected for kings are allowed, for the idol is put on them only when the kings pass.

GEMARA: R. Jeremiah b. Abba said in the name of Rabh: The House Nimrod has the same regulations regarding idols as those abandoned by the owner in time of peace, because, though scattered all the world over as if driven about by war, it had the choice to return home and get its idols, and by not doing so it showed a lack of interest in them, hence they are allowed.

"*Altars erected for kings*," etc. Are they not, after all, altars of the idol? Said Rabba b. b. 'Hana in the name of R.

Johanan: It means to say that the priests prepare the altars for the king, but he takes another road, so that no idols nor offerings come upon these altars. Ula, on his return from Palestine, alighted on one of such altars that was broken; R. Jehudah, on noticing this, asked him why he acted thus after both Rabh and Samuel had forbidden all use of such an altar when broken; and even he who says that broken idols are no longer worshipped and hence are allowed, does not assert the same with regard to altars, as it would be disgraceful to worship a broken idol, but upon a broken altar an idol may always be put. Hereupon replied Ula: My respect for Rabh and Samuel is so great that I should readily fill my eyes with the ashes of their corpses; none the less I cannot help refuting this opinion, for R. Johanan and Resh Lakish said: An altar upon which idols are habitually placed is, when broken, allowable; furthermore, even he who holds that fragments are worshipped allows such an altar, as he namely says: The broken idol is always, even when broken, worshipfully regarded by the heathen, while no godliness is even imputed to an altar—it is but a mere stand for idols—so that as soon as it is broken, it is set aside without any regard. The following Boraitha expresses the same view of R. Johanan and Resh Lakish: An altar used as a stand for idols is, when partly broken, allowable; however, an altar used for sacrifices is, when broken, forbidden, until most of its stones fall apart.

Which are the marks distinguishing the altar for sacrifices from that used as a stand? R. Jacob b. Aidi said in the name of R. Johanan: The latter kind consists of but *one* stone, while the former of several stones. 'Hiskia adduces a verse to this effect [Is. xxvii. 27, 9]: "When he maketh all the stones of the altar as limestones, that are beaten in pieces, when there shall not arise again any groves and sun images," *i.e.*, only when they are turned to lime no image is put on them, nor sacrifice, then only is their use allowable.

There is a Boraitha: If one worships one's own animal, it is prohibited from being used as a sacrifice in the temple, but not if it is his neighbor's. There is a contradiction from the following Thosephtha: All cattle is regarded as worshipped, immaterial whether the worship took place by mistake or intention, by compulsion or free will. Now, what other could be the meaning of compulsion than that one forces into his house an animal of a stranger and worships it? Hence, cattle of a stranger is prohibited, too, through worship. Thereupon said

Rami b. 'Hamma: The word compulsion means that heathens compelled him to worship his own animal.

R. Zera opposed: Does not the Scripture free a culprit by compulsion? [Deut. xxii. 26]: "And to the damsel ye shall do nothing," etc. Therefore said Rabha: The prohibition of worship was general, but from the expression [Levit. xviii. 5]: "He shall live in them," whence the rabbis infer but not "he shall die in them," compulsion was excluded; however, thereafter it reads again, "He shall not profane my holy name," whence the rabbis infer that even if compelled, which, too, would apparently contradict each other. The explanation is that compulsion imposed privately is excused, but if publicly, one must not yield to it. Said the rabbis to Rabha: There is a Boraitha that supports your opinion: The altars of idols remain prohibited even after the evil decrees of the government have ceased. Rejoined Rabha: If only this, it cannot be a support to my opinion, for there may have been an apostate Jew who worshipped it willingly. Said R. Ashi: Do not say "may have been," as it is *certain* that there was such, and therefore the prohibition remains forever. 'Hiskia, however, said that the above-mentioned forcing of the neighbor's animal to worship means if he pours wine between its horns for the idol, and not worshipped by bowing to it. R. Adda b. Ahaba, however, opposed: Can, then, this be called worship? One can worship an idol, while by pouring wine on the animal for the idol he makes it only for an altar, and a living creature is not forbidden when used in the service to the idol.

Therefore said R. Adda b. Ahaba: 'Hiskia must have meant: When the animal is itself made some idol and then the wine poured to honor it, it is forbidden, which view coincides with what Ula said in the name of R. Johanan when returning from Palestine: Although strange cattle is rendered forbidden by worship, yet it is prohibited as soon as some act has been performed on its body. Said R. Na'hman: Go tell Ula that R. Huna taught us this, having explained this Halakha long ago in Babylon: An animal resting in the proximity of an idol becomes unallowable, as soon as one cuts through its gullet or windpipe for the sake of the idol, and be it the ownership of another one. Now, upon what can this view be based? The report of the Boraitha concerning the barring of priests, who were compelled to become such of an idol, from services in the Jerusalem temple, contains hardly an analogy of compulsion; because a priest

could flee and thus save himself, while an animal destitute of intelligence could not. Nor can the Mishna, treating of the Maccabees, who set aside the altar-stones upon which the Greeks committed some act to honor an idol, be adduced as a basis, for R. Papa explained it already, saying [Ezek. vii. 22]: "I turn my face from them, that they may pollute my treasure," shows that the temple was profaned by the arrival of the Greeks, and hence was no longer the ownership of God, but considered as that of the Greeks. Thus, the view in question can be based but on this passage [II Chron. xxix. 19]: "And all the vessels which King Achaz had cast aside . . . have we put in order and sanctified"; and the master said that they were hidden and substituted by others, *i.e.*, they were prohibited. Now, these vessels were not the ownership of Ahaz, and hence by his worship he could not possibly profane them; we must thus assume that he committed with them some act of honor to the idols, whereby he rendered them forbidden, and here is applied the same rule in respect of cattle.

R. Dimi, on his return from Palestine, said in the name of R. Johanan: Although the sages taught that, when one bows to uncultivated ground, saying: This be my god, the ground is thereby not forbidden; yet if he dug graves, pits or caves as an idol, the ground is prohibited. R. Samuel b. Jehudah, on his return from Palestine, said in the name of R. Johanan: It is true the sages said that an animal worshipped by others than its proprietor is not forbidden; yet the animal obtained by the idol-worshippers in exchange for an idol is forbidden. Rabin, when back from Palestine, said: Concerning this topic R. Ismael b. R. Jose and the sages have expressed two opinions, but it is not known who said which. The one prohibits an animal exchanged for an idol, but allows the second animal obtained in exchange for the first. The other opinion prohibits the second animal, too, basing itself upon [Deut. vii. 26]: " . . . lest thon become accursed like it"; hence, it appears that whatever comes from the accursed is *like it*, and is accordingly forbidden.

MISHNA *VII.*: The Jewish elders were asked by the philosophers at Rome: If God is displeased with idol-worship, why does he not destroy the idols? And they replied: If the heathens worshipped but things not needful to the world, he would surely annihilate them; but the fact is that they worship the sun, moon, stars and planets; should then God destroy his world on account of these fools? Then retorted the others:

Let God destroy the unnecessary objects and leave the others that are needed for the preservation of the world. Replied the elders: If he did so, the idol-worshippers would but be confirmed in their belief and say: Here you see that these are gods, for they are indestructible.

GEMARA: The rabbis taught: The philosophers once questioned the elders at Rome: If your God is displeased with idol-worship, why does he not destroy the idols? And they replied: If the heathens worshipped but things not needful to the world, he would surely annihilate them; but they worship the sun, moon, stars and the planets; shall he destroy the world because of the fools? But the Lord allows the world its natural course, and as to these fools who spoil it, they will not escape punishment—in other words, when some one steals wheat and sows it, the seed should not bear fruit by reason of its being stolen; but nay, God lets nature her course, while to the thief will be meted his due. In like manner, adultery is not barren on its own account, but the culprit is not spared. Resh Lakish says something to this effect: The Holy One, blessed be he, says: Not only do the wicked of this earth forfeit my coin, but they force me yet to put my stamp thereon.

A philosopher once asked Raban Gamaliel: Your law says [Deut. iv. 24]: "For the Lord thy God is a consuming fire, yea, a watchful God"; why is it that he is so watchful with regard to the worshipper and not to the idol? Said Raban Gamaliel: I will answer your question by a metaphor: Suppose a king's son names his dog with the father's name and swears, whenever he does, by the life of this dog; the father, once informed about this, will he get angry at his son or at the dog? Naturally enough, at the son. Thereupon said the philosopher: You call the idol dog, which is not feasible, since the idol has loftier gifts. You ask which are these? Why, once a conflagration consumed all our city, and the idol temple remained intact. Answered R. Gamaliel: I shall use again a metaphor: A province once revolted against the king; against whom do you suppose he used his weapons, against the living or against the dead? Naturally enough, against the former. Said the philosopher: You style our gods dogs and dead; well, then, when they really are so worthless why does not God annihilate them altogether? Yea, he would surely do it, was the reply, were they not of objects useful to the preservation of the world, such as are the sun, moon, stars, planets, mountains and

valleys, for it reads [Zeph. i. 2, 3]: "I will remove utterly all things from off the face of the earth, saith the Lord. I will remove man and beast; I will remove the fowls of the heaven, and the fishes of the sea, and the stumbling blocks of the wicked." That is to say: The Lord wonders, shall I do this when the heathens worship man, too? I should have then to destroy the whole universe!

Agrippus, the general of Rome, said to Raban Gamaliel: "The Lord, thy God, is a consuming fire," etc. In our every-day life we find it to be the rule that a potentate is but jealous of his equal, a sage of another sage, a hero of another hero, a rich of another rich; now, then, if God is jealous of an idol, the idol must be of some power! R. Gamaliel explained it to him with the following metaphor: If one who has a wife, takes yet another one, the former will not be jealous unless the new wife be a nothing compared with herself.

An Israelite named Zunan said to R. Aqiba: I know just as well as you do that the idols are nothing, yet I should like to know, how is it that so many cripples are cured by the idols in their temples? Replied R. Aqiba: Listen to the following parable. There lived once in a town a pious man who enjoyed the unlimited confidence of his fellow townsmen so that they would deposit with him money and were it without any witness, with the exception, however, of one who would leave with him nothing without witness. It once happened, however, that this exceptional man left something in the hands of the other without any security; thereupon said the wife of the latter: Now we shall revenge on that distrustful man his mistrust to us, let us deny that he has a deposit with us; retorted her husband: Because of the short-comings of his understanding shall I put my reputed name on stake? No; this I shall never do! The same is the case with debility, disease and pains visited upon man; they are under oath assigned a certain time, no more, no less, during which to torture a man; it is further predestined by what man or what medicine the disease be eliminated. Now, when its time is off, the afflicted goes to the idol-temple; the disease protests, saying: because the man takes recourse to the idol, I should not abandon him, but as I am bound by oath I should not break it on account of this foolish man; thus the disease leaves him and he believes that it was the work of the idol. R. Johanan explained it from [Deut. xxviii. 59]: "Then will the Lord render peculiar thy plagues . . . and sicknesses

sore and *neemonim*" (literally trustful); *sore*, for the man suffers therefrom, and *trustful*, for it never breaks its oath.

Rabha b. R. Itz'hak said to R. Jehudah: There is an idol in our town, and whenever there is drought by us, it comes in dream to the priests, saying: Sacrifice a human being to me and you shall have rain; and this condition fulfilled, it in reality begins to rain. Thereupon said R. Jehudah: You may esteem yourselves fortunate that I am yet among the living, for were I dead, I should not be in a position to communicate to you what Rabh said thereabout—viz.: it reads [ibid. iv. 19]: "And that thou lift not up thy eyes unto the heavens, and thou seest the sun, and the moon and the stars, all the host of heaven, and be misled to bow down to them . . . which Lord thy God hath assigned unto all nations it"; you see from here that God has given some power to some worshipped objects for the purpose of barring their worshippers from the world to come. And this is what Resh Lakish says elsewhere, it reads [Prov. iii. 34]: "If it concern the scornful, he will himself render them a scorn, but unto the lowly lives he gives grace," whence, if one comes to defile himself, the door is opened to him, while when one comes to cleanse himself, he is supported.

MISHNA *VIII.*: It is allowable to buy a wine-press from a heathen even while he takes grapes therefrom and puts them into the heap of grapes. The wine is not considered offered ere it reaches the reservoir, while upon reaching it all that is in it is (provided the heathen touches it) forbidden, the rest is allowed. It is allowed to tread but not to gather the grapes jointly with a heathen. It is forbidden both to tread and to gather with an Israelite who prepares the wine while he is unclean; it is, however, allowed to help him convey empty casks to, and then filled ones back from, the press. It is forbidden to assist a baker, who, in a state of uncleanness, prepares his bread, in kneading or ordering, but one may help him carry the bread to the dealer.

GEMARA: R. Huna said: As soon as the wine trickles from the grapes, the touch of a heathen renders it unallowable. It was objected thereto from the Mishna: It is allowed to buy a wine-press," etc., whence it is manifest that the wine on beginning to trickle is not forbidden. Whereupon it was rejoined: R. Huna understands that the press in question is propped up at the bottom, and that an Israelite filled it first with grapes, the heathen having added some not until later. Come and hear another objection! The Mishna goes on to say: . . . while

upon reaching the reservoir all the wine that is in it is forbidden, the rest is allowed, whence, only the wine that flows down is forbidden; said R. Huna, the sages have afterward retracted this Mishna, as in the following Boraitha: The rabbis held originally that it is not allowed to gather grapes jointly with a heathen, for what the latter gathers is unclean and defiles by touch the grapes gathered by the Israelite, which are considered wine. They further warned against contributing toward the conditions defiling the fruit in Palestine, as well as against assisting an Israelite who defies the rules of cleanness, in treading the wine-press, because one must not help a transgressor in his work; while the heathen may be aided, for he is not bound by the rules of clean and unclean. Finally, the wine does not become offered by the sole fact of treading, for R. Huna's opinion on this point has been rejected. However, the sages, as said above, retracted this view, asserting: Assistance to a heathen in treading is foridden, for the grape-juice is offered wine immediately upon trickling, so that the assisting Israelite would get remunerated for working on what is not allowed; Such is also R. Huna's opinion. Nor is it allowable to gather or tread grapes with an Israelite who defies the rules of cleanness, for every Israelite is obliged to give from his fruit Teruma to the priest, and here the clean grapes are rendered unclean by the others, thus defiling also the Teruma, which is not allowed as to a heathen, it is allowed to gather with him, as he is free from Teruma, and fruits exempted from Teruma may be caused to be defiled even in Palestine.

"*The wine is not considered offered ere,*" etc. Concerning tithe, however, there is a Mishna that it is obligatory as soon as the grape-pits swim up, since this is an index of wine. Said Rabha: This presents no difficulty; as regards tithe we have the opinion of R. Aqiba, while the Mishna is in accordance with the other sages; as a Mishna states: In the case of tithe, the index of wine is its flowing into the reservoir. R. Aqiba, however, says: It is the swimming up of the grape-pits. Hereupon it was asked: How should this *swimming up of the pits* be understood? Does it refer to the case when the wine, after filling the reservoir to a certain point, causes the pits to rise to the surface, or to the case when the wine is already in the casks, and during its fermentation the pits come up to the surface? Come and hear the following Boraitha: It is called wine when the pits swim up; accordingly, it is allowed to drink the wine from the

press as well as from the pipe connecting it with the reservoir, whence it is obvious that the first of the two cases is referred to. But has not R. Zebid taught this Boraitha in the name of the disciples of R. Oshia, as follows: It is called wine when poured into the reservoir and when the pits swim up, while R. Aqiba requires its being put yet into the casks; from here it is apparent that the sages as well as R. Aqiba are involved in a contradiction, from which to extricate them is necessary to interpret the former version of the Boraitha in the light of R. Zebid's Boraitha. Now, taking account of the Mishna, we shall have *three* opinions regarding the here-disputed point. The Mishna declares it wine when it reaches the reservoir; the sages when, the wine being therein, the pits swim up; finally, R. Aqiba, not before it is in the casks? The answer is that the Mishna may be so interpreted as to agree with both the other views, since the sages and R. Aqiba differ only in as far as the index of wine for *tithe* is concerned, while the Mishna treats of the index of wine to become offered which is very rigorous. As to Rabha, however, he must rest satisfied with the three opinions as opposed to one another, as he makes no difference between the said cases.

"*What is in it is forbidden, and the rest is allowed.*" R. Huna explains this as follows: The rest in the press is allowed only when the cleansing basket through which the wine passes on its way from the press to the reservoir in order to be cleaned of the husks, is not again emptied into the press. But why should the contents of the basket be forbidden, the heathen having touched only the wine in the reservoir? There can hardly be another reason than that the wine of the upper vessel and flowing into the lower one be considered as a whole, and that the flow thus connects the two wines into one? And yet this question, as to whether or no the flow be a connecting link between the two wines in the above sense, propounded elsewhere, has found no satisfactory answer. And as our foregoing discussion has not been resorted to in this connection, it must not be assumed that the flow is no connecting link, but as R. 'Hyya explains it: When the two vessels are full of wine so that, their mouths being near, the wines touch each other, they are regarded as one wine. Accordingly in our case the reservoir must be so full of wine as to touch the basket, so that when the contents thereof are emptied into the press, what is in the latter also becomes forbidden.

It is related of a boy who in his sixth year was well versed in the Tract Idolatry. Once he was asked whether an Israelite and a heathen may jointly tread a wine-press? His answer was in the affirmative, notwithstanding R. Huna's negative view. And to the objection that the heathen renders the wine forbidden by his touching the grapes, the boy retorted: Have the hands of the heathen wrapped up with cloth, so that he might not touch the grapes with *bare* hands. Finally, upon being further asked that the heathen may touch the grapes with his feet, he replied that touching by foot is not considered.

It once happened that an Israelite and a heathen jointly hired and worked a wine-press in the City of Nahardea; R. Samuel, asked as to how to behave with regard to this wine, hesitated to answer until after three festivals during which the sages were in assembly; for he wanted to first propound this question to them. The question arises, why was he anxious to hear the opinion of the sages? If because he expected to find one of them entertaining the opinion of R. Nathan, then we must say that he wanted to prohibit all benefit of this wine; for it was taught: If the heathen measures out the wine with the hand or foot, Israelites must not drink it, but it may be sold to heathens; while R. Nathan prohibits all benefit of wine measured by hand. But now that R. Nathan makes no reference to the measure by foot, it must be assumed that Samuel was not waiting for his opinion, but he rather expected to find one of the sages in favor of R. Shimon's view, which allows the wine, even to consume, provided it was not touched by the heathen intentionally.

It once happened at Biram that a certain heathen climbed up a palm-tree to get down some branches. On coming down he unwittingly touched with one of the branches a cask of wine. Rabh was asked on the point, and he prohibited Israelites from drinking this wine, allowing, however, its sale to heathens. Thereupon R. Kahana and R. Assi interposed: Have you, master, not yourself taught that even a one-day-old child of a heathen renders the wine prohibited when touching it? And in this case there is surely no intention involved! Answered Rabh: I prohibited only to *drink* it, but not to sell it and use the money thereof.

The text says: Rabh holds "that even a one-day-old child of a heathen," etc. R. Shimi b. Hyya advanced the following objection: When one buys slaves from a heathen, has them circumcised but not bathed in the legal bath, the place they tread

on as well as what they spit out, is unclean. Precisely the same is the case with the acquired children of a female slave; but according to others the children are clean. In the case of wine the same rule holds: Adults render it forbidden by touch, but not children. What is an adult? When already familiar with the nature of idol-worship, and is considered a child before that period. We see, then, from this Boraitha, that contrary to Rabh's position, a child does not make the wine unallowable by mere touch? The answer is that the "child" spoken of in this Boraitha is one born of a female slave in the house of an Israelite; as to other children, inclusive of slaves bought of a heathen, Rabh's precept holds good. But here is another question. The Boraitha says: The same is the case with the children of a female slave, which would suggest the inference that there is no difference between a slave bought, or one brought up in the house of an Israelite. The answer is that this phrase refers only to their spittle and the place trodden on by them. However, this explanation is correct according to him who says that these are unclean, but what according to him who declares them clean? He comes to teach us that adult slaves bought, circumcised and then legally bathed, do not make the wine forbidden by touch, just as the children of a female slave. The Boraitha states this in order to exclude the opinion cited by R. Na'hman in the name of R. Samuel to the effect that when an Israelite buys slaves from a heathen, has them circumcised and legally bathed, they none the less render the wine forbidden all the time, till they cease to mention the name of the idol and wholly forget it. And how long is this time? R. Jehoshua b. Levi set the limit of this period at twelve months.

In the town Mechusa a heathen once happened to enter the house of a Jewish wine-seller, who answered his question as to whether he sells wine, in the negative. The heathen, noticing on the table a little wine in a vessel with which the Jew used to serve wine, put his hand right into it, saying: Is not this wine? The host, excited over this misdeed, emptied the vessel back into the cask; so that he had to consult Rabha what to do with the wine? He advised him to sell it to heathens. When R. Huna b. 'Hinna and R. Huna b. R. Na'hman heard of this incident, they said that all benefit of this wine is forbidden. Thereupon, Rabha heralded that the wine may be sold to heathens; while the both Hunas let herald the opposite. Some time after, R. Huna b. R. Na'hman happened to be in Mechusa where

Rabha resided; so Rabha instructed his servant not to admit anybody at the time when Huna will be by him, since they, two, will be busied with the settlement of an important dispute. R. Huna, on coming to him, opened, indeed, the foregoing question, and, to his great astonishment, Rabha said that all use of that wine is forbidden. And to the question: Has not the master allowed such a case, he answered: In this particular case it was the wine in the cask that I allowed, but the wine touched by the heathen and poured back into the cask I prohibited, requiring rather that its worth be cast into the sea. It is true, I once allowed also the other wine, but during my sojourn at Pumbedita, Nahmani (Abayi) adduced so many Boraithas and conclusions of other sages against my tenet, that I withdrew my former opinion, and now I prohibit the wine poured back; for among others, Nahmani told me of such a case in Nahardea, and Samuel prohibited the wine; in another case at Tiberia, R. Johanan has likewise forbidden. I attempted to argue: Samuel and R. Johanan may have been led to such stringency by the fact that at those places the population is ignorant, in which case rigorous legislation is commendable; but he replied: Do you think that Mechusa is more enlightened than Nahardea and Tiberia? He also called my attention to the following Thoseph-tha: It once happened that the excise collectors poured back into the cask the wine left after they had had a drink; one of them drew also some wine with a lever, putting the lever back in the cask, and the sages prohibited this wine for all benefit.

R. Johanan b. Arza and R. Jose b. Nehorai were once sitting together indulging a little in wine, when a man came in. They told him to pour in for them; but no sooner had he fulfilled their order than they discovered that he was a heathen. Thereupon one of the two said: The wine is absolutely forbidden, while the other asserted that it is even allowable to drink. Said R. Jehoshua b. Levi: Both had their respective opinions well grounded; the former must have reasoned thus: The man knew us to be of the sages, and he could easily notice that we were going to drink wine, which, when ordered by us to pour in, he would, in his thought, render prohibited. While the other one must have reasoned the other way—viz.: The man, knowing us to be of the sages, surely thought that we drank no wine, since otherwise we should not order him, a heathen, to pour in for us, hence the wine is allowed. But, against the latter it may be asked: Did not the heathen *see* that it was wine? Nay, it

all took place in the evening. Neither could he discern it by *smell*, as it was new wine, which has no smell. That he did not touch it is certain, for the wine was in a bottle; and the shaking of the wine by a heathen is prohibited only when done intentionally, which was not here the case.

R. Assi questioned R. Johanan: Does a heathen render the wine prohibited by pouring water into it? Yea, was the answer; for a Nazarite must be told: Go around, go around, but do not approach the vineyard in order not to yield to temptation and eat from its fruit. R. Jeremiah, when once in Sabatta, noticed that the heathens there are wont to dilute the wine that the Jews drink, and he reminded them of the foregoing warning to a Nazarite. It was taught likewise in the name of R. Johanan, according to others R. Assi, in his name: Wine diluted by a heathen is forbidden by reason of temptation as above.

Resh Lakish was once in Bozrah (a town conquered by the King David in the province of Moab). He saw the Jews there eat fruit without having separated the tithe thereof, and he told them that this is not allowed. He further noticed that the Jews were wont to drink the water consecrated by the heathens, and prohibited it, too. Later he happened to visit R. Johanan to whom he related his observations and prohibitions, and R. Johanan told him: Go right back and allow all you have prohibited, because you mistook Bozrah for Betzer which was conquered by Moses, and where the tithe is thus obligatory; and as to the water there, it is public ownership which, as such, cannot be prohibited at all.

R. Hyya b. Abba made once a journey to Gabla, where he observed that Jewesses were pregnant from heathens, who, though circumcised, were not yet legally bathed. He further saw that the Jews were drinking the wine diluted by the heathens; he also noticed that Jews were eating *Turmus* (fig-bean) cooked by heathens. He, however, did not interfere. When he later reported this to R. Johanan, the latter said: Go right back and have it publicly announced that their children are bastards, the wine is to be regarded *nessech* (idolatrous libation), and the *Turmus* is forbidden like all other things cooked by heathens, because the inhabitants of Galba are uneducated. With reference to the children, R. Johanan expressed the same opinion elsewhere, saying that one is not considered a proselyte unless he is both circumcised and legally bathed, hence the above are still considered heathens; and Rabba b. 'Hana said in the name

of R. Johanan: When a heathen or a slave seduces a Jewish girl, the offspring is regarded as a bastard. The wine he prohibited by reason of temptation as said above, and the *Turmus*, because they are there uneducated, otherwise it would be allowed.

R. Kahana was once asked whether it is allowed to hire a heathen for conveying grapes to the wine-press of an Israelite; his answer was in the negative, by reason of the temptation above-mentioned. R. Yemer objected to him from this Tosephtha: The grapes carried by a heathen to the press, be it in a basket or any other vessel, are allowed even when trickling. Said R. Kahana: This is no weighty objection, for here it treats of grapes *already carried*, which I, too, should allow, but not to hire one originally for such work.

Once a citron chanced to fall into a cask of wine; a heathen seeing this, hurried to take it out with his hand, and R. Ashi ordered to hold his arm fast in order to prevent it from moving, then to open the faucet and have the wine flow into another vessel, when it will be allowed for sale. The same R. Ashi said that wine made prohibited by the touch of a heathen is not allowed to be sold to other heathens; the heathen, however, who touched it, may be made to pay for the wine by considering the thing in a manner as if the heathen had spilled or in some other way destroyed the wine, when it would be legitimate to recover the loss. This, his opinion, he corroborates by the following Boraitha: If a heathen renders the wine prohibited by touch, not however, in the presence of an idol, all benefit of it is forbidden. But R. Jehudah b. Baba and R. Jehudah b. Bethira say it is allowed, and on the following grounds: In the first place, because the act was done not in the presence of an idol, and secondly because the Israelite may say to the heathen: The wine is not your ownership, hence you cannot make it forbidden. Now, though we do not agree with the two Jehudahs, the inference is nevertheless justified that the Israelite may make the heathen pay.

It once happened that the bung burst out of the hole of a cask with wine, and a heathen ran by, put his hand upon the bung-hole to stop the escape of the wine. Thereupon said R. Papa: The wine above the bung is forbidden, the rest is allowed. R. Papa was further teaching: The wine of leather bags carried by a heathen who is followed by a supervising Israelite, is allowed if it so fills the bags that it cannot shake at all, but if not so full, it is forbidden. If, however, the wine be in open

pitchers, the converse is the case, because out of a full pitcher the wine may overflow upon the hands of the heathen, and then touch back the wine inside the pitcher, while with the pitcher that is not full this cannot be feared. R. Ashi maintains that even the wine in a leather bag that is not full cannot be made prohibited by shaking, for it is not customary to offer wine by shaking. If the heathen put wood upon the grapes in the press in order to squeeze the wine out by this pressure, R. Papa allows the wine, while R. Ashi, according to others R. Simi b. Ashi, prohibits it; all, however, agree in that the wine is allowed when the wood is pressed down by means of a wheel, for the work is done but by a derivative of his force, but when the heathen exerts the pressure by his feet, only R. Papa allows, while the others forbid the wine.

Once a heathen pressed the wine by means of a wheel, yet R. Jacob from Nahar Pekod declared the wine prohibited. At another time a cask with wine happened to burst, and a heathen was holding it together until the wine was emptied into another barrel; Raphran b. Papa, according to others R. Huna b. R. Jehoshua, allowed to sell the wine to heathens. It was prohibited to drink it, because the cask burst lengthwise, so that it was necessary to hold it together, but if it had burst crosswise it could have been held together by pressing the upper part; in this case the wine would have been allowed even to drink, because the pressure of a stone could have done the same service.

Once a heathen was found in the press of an Israelite; though there was no wine in it, yet it was moist, and the question came up as to what to do with the press? R. Ashi decided it thus: If the humidity of the press was so great that an object could therein become so moist as to moisten another object, the press must be first rinsed with water and then scrubbed with ashes two times, while by a smaller degree of humidity one rinsing suffices.

MISHNA *IX.*: A heathen standing near the wine reservoir renders the wine forbidden, provided he has a lien on it, but not otherwise. When a heathen falls into a wine-reservoir and is then brought up (dead), or when a heathen measured the wine with a pipe, dragged therewith a hornet out of the wine, or, finally, tapped his hand on the cask against the ebullitions of the fermenting wine—all which cases have actually occurred—the wine should, according to the rabbis, be sold; R. Simeon allows to drink it. If the heathen, while enraged, cast the cask

into the reservoir, as it once happened, the sages allowed the wine.

GEMARA: Said Samuel: The lien spoken of in the Mishna must be had on the wine itself; and R. Ashi proved this by quoting another Mishna, which says: When one works a heathen's wine in accordance with the rules of cleanness (so that he might sell it to Israelites), leaves it then in the premises of the heathen, but under the supervision of an Israelite, and the heathen writes a note to him stating, "I have received of you money," the wine is allowed; if, however, the affair takes place this way: The Israelite attempts to take out the wine and the heathen refuses it until he get the money, which case once occurred at Beth-Shean, the sages declare this wine prohibited, because it is yet the ownership of the heathen. But if the lien had been on the Israelite's property, even the wine included, it does not matter.

"*When a heathen falls,*" etc. According to R. Papa this means that the heathen is brought up dead, otherwise all benefit of the wine is forbidden, because the heathen celebrates his escape, and thanks on this account his idol, wherefore the wine is considered offered.

"*When a heathen measured the wine with a pipe, etc., the rabbis allow to sell it, R. Simeon also to drink it.*" Said R. Ada b. Ahba: Blessed be the head of R. Simeon who, unlike the rabbis, goes to extremes—viz: If he prohibits, he prohibits to derive all benefit therefrom, and if he allows, he allows it even to drink. Said R. 'Hisda: I was told by Abba b. 'Hannan that so said Zera, that the Halakha prevails with R. Simeon. (Says the Gemara): After all, the Halakha does not prevail with him.

MISHNA *X.*: If an Israelite, who had cleansed the wine of a heathen, left it in the latter's premises, in a house opening into a public ground, in a town where heathens and Jews live, the wine is allowable; but if there live only heathens, the wine is not allowed, unless a Jewish watchman take care of it. However, the watchman must not continually stay there, but may go and come. R. Simeon b. Elazar says: All heathen premises are of the same account. If one cleanses the wine of a heathen, leaves it in his premises (as above), and the latter writes him a note stating, "I have received money from you," the wine is allowed. But if the case be such that when the Israelite wants to take out the wine the heathen refuses, requiring to be paid first (as it once occurred at Beth-Shean), the sages prohibit the wine.

GEMARA: Why should the Mishna forbid the wine in a town where Jews do not reside, since in any town you find Jews coming there now and then for traffic? Says Samuel: The Mishna has in view but such towns that are provided with walls and gates, so that no one can enter it without special permission, and the heathen is thus in a position to know whether or no there is an Israelite in town. R. Joseph said: It suffices that the wine be so kept in a house that any Israelite could see from his window into the heathen's yard, and the house must not needs be opening into a public place. In like manner it is sufficient that there be in the proximity of the house a little elevation where people are wont to assemble, or that a date-tree be there, since in this case the heathen may fear lest someone should climb up the tree for dates and descry his doings in the same time; but if the top of the tree be cut off, its influence is discussed by R. Acha and Rabina, the one saying that the tree, now that it bears no fruit, exerts no influence upon the heathen, who, thinking that nobody will climb it up now, may break the seal and take out some of the wine; while the other says: People are still now and then climbing upon such tree in order to look for their strayed cattle, and hence it is yet fear-inspiring to the heathen.

The rabbis taught: When an Israelite buys or rents a house in the courtyard of a heathen, where also an Israelite lives, and puts there his wine, it is allowed even if not sealed and locked up. But if the other Israelite lives in the same town only, the wine is allowed only when sealed and locked. However, if a heathen hires Jews to prepare wine for sale to Jews, and this wine remains in the premises of the heathen, a Jew living in the same house where the wine is kept, it is allowed, provided it be sealed and locked by a Jew who should himself have charge of the key and seal. Said R. Johanan to him who cited before him this Boraitha, read the last passage thus: The wine is allowed even when not sealed and locked, provided only an Israelite lives in the same house. If, however, an Israelite lives in the same city but not in the same yard, the wine is forbidden even when sealed and locked; so says R. Meier, while the rabbis say: An Israelite must either sit there and watch, or come there at certain times. The question now arises, to which case the rabbis refer, as there are four cases in the Boraitha? To assume that they refer to the last case would be to assume a redundance, since R. Mair said the same; nor can it be assumed that

they refer to the third case, where the wine, when sealed and locked by a Jew, is allowed; because, as R. Johanan allows it even when not sealed and locked, there would be no reason to account for the exceptional rigor of the rabbis in this case. Hence, it is manifest that they refer to the second case, which allows the wine put up in the house of a heathen, when both there lives a Jew in the same town and also when the wine is sealed and locked; and it is here that the rabbis add the limitation that an Israelite watch the wine, or come to it at certain times. But what is gained by the last point? When the Jew is to come there only at *certain* times, the heathen will know it and find his time to break the seal and do what he pleases? The answer is this: We must assume that the Jew is to come there *at times* and not at *certain* times, so that the heathen will know nothing definite.

"*R. Simeon b. Elazar says, all heathen premises,*" etc. The schoolmen propounded a question: What does R. Simeon intend with this doctrine, to make the regulations of wine more rigorous or more lenient? R. Jehudah said in the name of Zeira, the latter is the case, while R. Na'hman said in the name of the same authority the former was intended. In order to make R. Jehudah's opinion plausible, it is necessary to insert the following in the Mishna: The same prohibition is imposed upon wine brought into the house of another heathen, because of fear lest the latter should go to the proprietor and say: You are free to come to my house and do with your wine as you please; I will not betray you provided, however, you promise to serve me in the same way in case I will have Jews prepare wine; it is in this connection that R. Simeon b. Elazar said: Are, then, all premises of the same account? We see that if the wine is left in the premises of the proprietor, an Israelite must watch it; if, however, the wine is stored with another heathen, this watch is not requisite, as I do not believe that the heathens would enter such mutual agreements with one another. On the other hand, in order to make R. Na'hman's view of R. Simeon's position plausible, the following wording must be given to the inserted passage: The prohibition is only then in force when the wine is left in the premises of the proprietor with a Jew watching it; but if the wine is left with another heathen, the additional watch is unnecessary, as we do not believe in the mutual agreement of the heathens. To which R. Simeon b. Elazar says: All heathen premises account alike, hence as the

watching by a Jew is there requisite, it is so here, too, for I fear, indeed, that the heathen may enter some mutual understanding. There is a Boraitha in accordance with R. Na'hman: R. Simeon b. Elazar says, all premises of heathens are of the same account, for we fear lest they deceive us.

It once happened that Israelites bought of Parsik, the viceroy, the grapes of a vineyard in order to prepare wine therefrom; they then left the wine with Parsik's gardeners without having paid for it. Hereupon the disciples of Rabha's college wanted to allow the wine on the ground that there cannot possibly be a mutual agreement between the viceroy and his gardeners. Said Rabha to them: Just in this case there is much to fear, because if Parsik wants to falsify the wine, he will meet no barrier.

Once a few casks of wine belonging to an Israelite were lying in the street, and a heathen was found standing among them; Rabha, upon being asked what is to be done with the wine, said: If this man is known to be a thief, the wine is allowed, for he will fear to touch the wine in the open street, lest he be suspected of stealing it; but if he is an honest man the wine is forbidden, because of the reasonable fear, maybe he touched it.

CHAPTER V.

RULES AND REGULATIONS CONCERNING WAGES AND LIBATION WINE.—EFFECTS OF SUCH WINE WHEN FALLING ON FRUIT OR MIXING WITH OTHER WINE.—UNDER WHAT CIRCUMSTANCES WINE MAY BE LEFT WITH A HEATHEN.—CONDITIONS UNDER WHICH JEWISH WINE IS SOLD TO HEATHENS.—DETERMINATION OF QUANTITY OF LIBATION WINE MIXED WITH OTHER WINE.—HOW VESSELS OF HEATHEN ARE TO BE ALTERED TO MAKE THEM FIT FOR A JEWISH TABLE.

MISHNA *I.*: The wages of a Jewish laborer hired by a heathen to work with him wine for libation are prohibited. But if he was hired for some other work and was then told: Bring this cask of offered wine from one place to another, the wages are allowed. If a heathen hires of a Jew an ass to carry on it such wine, the reward is forbidden; if, however, he hired it to sit thereon, it is allowed even if he had with him his wine-flask.

GEMARA: The reason why the wages are prohibited is hardly that all the benefit of offered wine is forbidden, because the following speaks against such a reason—viz.: Although *arlah* (the fruit growing on a tree within the first three years after it has been planted) is prohibited, likewise the fruit of a field sowed in a vineyard *kelaim* (variegated seeds); yet if one sells these fruits and with the money thus obtained betroths himself to a girl, she is regarded his legitimate wife. Nor can it be said that the wages follow the same rules with the wine, just as the money obtained from the sale of an idol is subject to the regulations governing the latter; because, as it is known, the money gotten for the fruits growing on the Sabbathic year is subject to the rules of the fruits themselves, and yet we learned that, if one invites the laborer, saying: Take this *dinar* and gather herbs for me to-day, this reward is forbidden; but if the invitation is made thus: Gather for me herbs to-day, the reward is allowed when this case takes place on the Sabbathic year. Hence, wages are allowed after all! Said R. Abuhu in the name of R. Johanan: This is a fine which the sages find necessary to impose upon driver and offered wine. In the case of wine, as said above in the Mishna, and in the case of drivers in the following Boraitha: The reward obtained by drivers for transporting fruits grown on the Sabbathic year is considered

Sabbathic. Now, what does this mean: The reward is *Sabbathic?* It cannot possibly mean that the reward is made in fruit of the Sabbathic year, for the proprietor of the fruit would thus meet a debt with fruit which is by law allowed [Levit. xxv. 6]: "For food," but not to traffic with. Neither can this expression be interpreted to mean: The reward is as holy as the fruit of the Sabbathic year, because of the Mishna cited above: If one says: Gather for me fruit to-day, the reward is allowed. Said Abayi: It speaks of a reward paid with the Sabbathic fruit; and as to the difficulty of "food and not for traffic" it can be answered that he gives him the fruit as a present, and not as reward, as we find a similar case in the following Mishna: One must not say to his neighbor: Carry this fruit for me to Jerusalem, of which take a part as your reward; but he may say: Carry it to be eaten in Jerusalem, and there they present each other the fruit as a present. Rabha, however, said: It means that the reward becomes holy like the Sabbathic fruit itself, and the difficulty that it is allowed to a laborer is not considered, for the rabbis do not care to fine him for such a trifle.

The schoolmen propounded a question: How is it when the heathen hires a Jewish laborer to prepare wine in general? Shall we assume that, since all use of this wine is prohibited just as that of offered wine, the wages are by implication not allowable, or that the wine in general is not so rigorously treated by reason of its differing from the offered wine in that it does not defile an Israelite by touch, while the latter does so, and hence, that the wages in this case be allowed? Come and hear! A heathen once hired a Jewish boatman to convey for him some wine to a certain place and paid him for the labor in wheat. The laborer appeared then before R. 'Hisda asking him what is to be done with the wheat? The answer was: You must burn it and bury the ashes; hence, such wages, too, are prohibited. The disciples of R. Janai were wont to borrow on the Sabbathic year fruit from the poor and to pay them back in fruit the succeeding year. R. Johanan was interrogated as to the legitimacy of this act, and he found it in accord with the law.*

R. Na'hman, Ula, Abimi b. Papa, and R. Hyya b. Ammi were once sitting together and discussing the following point: If an Israelite is hired to break the casks that contained offered wine

* The text treats here of the question as to whether the reward of a harlot is allowed in case she was paid after; which we deem not in place here and therefore omit it.

of which some remnant may now flow yet, is he allowed to receive payment for his work or not? The possible reason for a negative answer is that the laborer desirous to get work wishes for the existence of whole casks, and thereby also for that of the prohibited wine left therein; while on the other hand the reason for a positive answer is that he by his labor *destroys* the wine. Thereupon decided R. Na'hman: The laborer may without any scruples break the casks and get paid therefor; in addition to it, he may yet earn the blessing of Heaven! The following Boraitha corroborates R. Nahman's decision: The Israelite is prohibited from assisting a heathen in ploughing a field sowed with *kelaim* (variegated seeds), but he is allowed to weed out various seeds so that only one kind be left, for he thereby diminishes the unallowed.

At some other time the same sages were together discussing the question as to whether or no the use of the money obtained by a heathen from the sale of an idol is all forbidden to an Israelite (just as it is in case the Israelite sells an idol)? Said R. Na'hman: It seems to be allowable, because once there came some heathens to Rabba b. Abuhu and declared themselves willing to embrace Judaism, whereupon he replied: If this is your intention, it is incumbent on you first to sell out all you have, for as soon as you have become Israelites, your wine and idols are prohibited to sell. Whence it follows that they are allowed, even after they become Israelites, to use the money gotten from selling the idols when yet heathens. The others objected to this inference, saying: In this case the intention of becoming an Israelite renders surely their idols profaned. Hereupon R. Na'hman recited the following Boraitha: If a heathen pays his debt to an Israelite in money, which he obtained from the sale of an idol or offered wine, the Israelite is allowed to accept it; if, however, the heathen asks his creditor to wait until after he has sold his idol or offered wine, the Israelite is prohibited to accept the money. Hence, in the former case, the money is allowed. And why is it forbidden in the latter case? Because, said R. Sheshith, the Israelite would then apparently wish for the existence of a prohibited object till it gets sold. But is there not a Mishna that, a proselyte and a heathen having inherited their father, a heathen, the former may say: You take the idols and I the money, you the wine and I the other fruit in exchange; but as soon as an object enters the control of the proselyte all exchange is forbidden? Now, you see

that, though the proselyte doubtless wishes for the existence of the prohibited objects, the exchange is originally allowed. Said R. Papa: The sages treated exceptionally this case of a proselyte with leniency in order not to encourage his return to heathendom. Yea, there is a Boraitha to this effect: The decision in favor of the proselyte is limited only to the case of inheritance, but does not concern partnership.

The above-mentioned sages happened to be once more together and to discuss the following question: Can a citizen-proselyte, a heathen settled down in the land of Israel, on having taken upon himself not to practise idol-worship only, profane an idol, or only an actual idol-worshipper can do this? R. Na'hman said: In all probability the latter is the case. An objection was raised from the following Tosephtha: An Israelite who found an idol in the market, may, before taking possession thereof, ask a heathen to profane it, but not after he had taken possession of it; and the reason is that the sages have established a rule that a heathen may profane his own idol as well as that of his neighbor immaterial whether he worships it or not. Now let us see what does the last expression "whether he worships or not" mean; if it means a heathen, it is superfluous, as it was already stated that a heathen may profane his neighbor's idol although he has not worshipped it; we must then say that it means a citizen-proselyte, hence the latter can profane? Nay; it may speak only of a heathen, and as to the apparently superfluous expression, it may be said that the first part speaks of the idols of one kind, *e.g.*, both of the kind Peor or Markules, while the last part has in view two different idols, *e.g.*, one of Peor and the other of Markules, and nevertheless the heathen may profane even the one in whose worship he does not believe. Another objection was raised: Who is called a citizen-proselyte? He who took upon himself before three scholars not to practise any idol-worship, so said R. Mair; while the sages define him to be one who binds himself to observe the seven commandments accepted by the descendants of Noah. According to some anonymous teachers, such proselyte is only he who accepts all the commandments of the Torah except eating the meat of carcasses. Such a proselyte may be left alone for some short while in a room where Jewish wine is kept; however, it is not allowable to store such wine in his house even when the majority of the city inhabitants be Israelites. He may be employed as watchman of such wine even where the heathens

make up the majority of the population. His oil is subject to the same regulations. But can oil be prohibited by itself? Nay; reverse the statement and read: Wine is subject to the same regulations with oil; while with regard to all other things this proselyte is on equal terms with the heathen. R. Simeon, however, holds that the wine of such a proselyte is regarded as offered wine. According to others, however, R. Simeon allows the wine even to drink. Now that this Boraitha declares this proselyte on equal terms with the heathen in all other respects, it is indicated that he can profane an idol, which contradicts R. Na'hman's view. Retorted R. Na'hman b. Itz'hak: This equalization refers but to the law regulating both the transferring and renouncing of his ownership (explained in Erubin).

R. Jehudah sent once a present to the heathen Abidrana on one of the heathen feast-days, justifying this his action thus: I know that Abidrana does not worship idols. Said to him R. Joseph: Your reasoning appears fallacious, because of the above-cited Boraitha that he, a *proselyte*, must take upon himself before three scholars to renounce all idol-worship, which condition is wanting in your case. Rejoined R. Jehudah: This Boraitha intends but to say that this one condition binds the Jewish community to support this proselyte in case he becomes poor. Thereupon the other objected: Has not Rabba b. b. 'Hana said in the name of R. Johanan that a citizen-proselyte who fails to let himself circumcise during twelve months is to be regarded as a heathen heretic? Accordingly, you should not have given a present to Abidrana, who is not circumcised. Answered R. Jehudah: R. Johanan surely meant that a proselyte who fails to keep his promise to be circumcised within twelve months is a heretic.

Once Rabha wanted to give on a heathen feast-day a present to the heathen Bar Sheshach, who he knew was no idol-worshipper. But when he came into his house he saw him sitting in a bath of rosewater, and surrounded by indecent and disgraceful girls. Upon noticing Rabha, the heathen exclaimed: Have you Jews in prospect such pleasures in your paradise? And Rabha answered: Much better than these. Do you really mean, said the other, that there are greater pleasures than this? Retorted Rabha: In the heat of all your voluptuousness you can't help fearing lest the king disturb you and mar your pleasure; while we expect to be free from such fear in paradise! Well, said the heathen, if others do, I, for my part, do not fear

the king. No sooner had he uttered this than a messenger came from the sovereign and said to Bar Sheshach: Go in all haste to the king, as he wants to speak to you! Then Bar Sheshach, addressing himself to Rabha, said: May the eye that wishes to see evil jump out of its orbit; whereupon Rabha said: Amen! And the eye of Bar Sheshach jumped out immediately. R. Papi said: Rabha should have applied this verse in answer to Bar Sheshach—viz. [Ps. xlv. 10]: "Kings' daughters are among those dear to thee: the queen standeth on thy right hand in fine gold of Ophir." R. Na'hman b. Itz'hak would have preferred this verse [Is. lxiv. 4]: "No eye had seen a god beside thee, who could do [the like] for the one that waiteth for him."

"*But if he was hired for some other work,*" etc. It is apparent from here that the wages are allowable even when the laborer had been ordered to carry the wine *before* he finished the other work; and yet there is a Tosephtha: When the heathen tells his Jewish laborer, after he has finished his day's work, to carry a cask of offered wine from one place to another, the wages are allowed, but the remuneration for the carrying is not; but if the heathen ordered him to do this sometime during the day's work, the whole pay is forbidden. Hence this apparently contradicts the Mishna? Said Abayi: The Mishna, too, implies the same limitation. Rabha, however, interprets the Mishna to allow the wages even when the carrying was done in the middle of the other work, and meets the apparent contradiction thus: The Tosephtha teaches: When a heathen tells his Jewish laborer: Carry 100 casks from this to that place and I will pay you 100 *perutoth*, and it was then found that ninety-nine of the casks were with oil while one was with offered wine, all the wages are prohibited, for it is the last forbidden cask that completes the claim for wages. The Mishna, however, intends to teach that, when the laborer works per cask, he is allowed to receive the wages and to reject the pay for so many forbidden casks he had to carry. This exposition of the subject coincides with the following Boraitha: A Jewish laborer hired to carry 100 casks among which one was found to contain offered wine is prohibited from all his wages; if, however, he was hired to be paid per each cask, he should cast away the pay for this one prohibited cask, while the other pay is allowed.

"*If a heathen hires of a Jew an ass,*" etc. This rule, which is obviously implied in the first statement, is mentioned by the Mishna merely for the sake of its second part—viz.: If, how-

ever, he hired it in order to sit thereon, the reward is allowed even when he had along with him the wine-flask.*

The father of R. A'ha b. R. Ika, who was a winedealer, sold once wine to heathens. He had to bring it over across a river and empty it into their casks, retaining his for his trouble. This subject was brought before Abayi, and he said: What R. A'ha's father is doing is certainly allowed, for the wine is not prohibited unless already in the casks of the heathens.

MISHNA *II.*: If offered wine be poured on grapes, they must only be washed and are allowed. If, however, they were cracked, they are prohibited. Again, when such wine be poured on dates and figs, they are forbidden if the wine impart them a pleasant flavor. Bithus b. Zonan brought once dried figs in a ship, and a cask of offered wine happened to burst, the wine spilling upon the figs, but the sages who were asked on this point declared them allowable. The rule is: A prohibited thing renders another one forbidden if it imparts to it a pleasant flavor, but if not, it is allowed, *e.g.*, vinegar poured over grit.

GEMARA: The decision of the sages in the case of Bithus is apparently in contradiction with the prohibition immediately preceding it. The explanation, however, is that the Mishna is not complete, and must read as follows: If the wine imparts them a good flavor they are forbidden; but when it causes them to become insipid, they are allowed; which latter took place in the case of Bithus.

Once such wine was spilt on a heap of wheat, and Rabha, when asked on the point, allowed to sell the wheat to heathens and to use the money thereof. Rabba b. Levi objected to this decision by reason of the following: When a linen thread is woven into a woollen cloth or *vice versa*, a wool thread into a linen cloth, the Israelite is forbidden to make thereof either a garment or a saddle, or to sell it to heathens; he is allowed to make of it only shrouds for the dead. That these things are not sellable to heathens, can be accounted for only by the assumption that the heathens may thereafter resell them to Israelites who, not knowing that there is a prohibited thread in the cloth, will make garments of it. Now, then, we have in the wheat a perfectly analogous case. Rabha, on hearing the objection, ordered the wheat to be first ground, then to bake of its flour bread, which may be sold to heathens, provided no Israelite

* For a contradiction to this from a Boraitha, see Middle Gate.

notices it, lest he might buy the bread of the heathens. But again, why should not the wheat present the same case as the grapes of the Mishna, which must be only washed in order to be allowed? Because, said R. Papa, the wheat grain has a slit in the middle which makes it similar to *cracked grapes*. Abayi and Rabha are of the same opinion: When old prohibited wine is poured on grapes and they get therefrom an agreeable taste, they are prohibited. But concerning new wine, Abayi prohibits all the grapes as soon as one drop fell on them; while Rabha prohibits them not until after so much wine has fallen upon them as to change perceptibly their taste. Abayi's reason is this: All objects of like taste belong, he believes, to one class, and as soon as a particle, however small, of the prohibited falls upon an object, and be this very big, it, too, becomes prohibited (so, *e.g.*, a drop of forbidden wine falling into a cask renders the wine therein forbidden), and grapes he regards of the one class with wine. On the other hand, Rabha takes for his basis of classification not the taste but the *name* of the objects, so that homonymous objects will render each other prohibited if $\frac{1}{60}$ of the one falls into $\frac{59}{60}$ of the other, when a perceptible change in taste may occur, but not if $\frac{1}{60}$ falls into $\frac{60}{60}$ or more of the other.

In the case when beer-vinegar was intermixed with wine-vinegar, or oaten yeast with wheat yeast, of which in both cases one was allowed and the other forbidden, Abayi prohibits the whole mixture only when the forbidden ingredient tastes perceptibly, while Rabha would prohibit it even when but a drop of the forbidden fell into a whole cask of vinegar; likewise with the yeast Abayi defends his position by his theory: As the ingredients here being of different tastes are not of the same class, the resulting mixture is forbidden only when the prohibited substance is discernible by taste. Rabha, on the other hand, recurs to his name-theory: The vinegars and so the yeasts are homonymous, hence of the *same* class, consequently a drop of the prohibited suffices to render the whole so. Furthermore, Abayi endeavors to justify his name-theory by the following argumentation. We learn: When spices, forbidden with the same prohibition, of the same kind but of three different names, such as, *e.g.*, pepper, white, black and long, or when spices of three different prohibitions but of the same kind and name, all mix in some meal, it is prohibited, for they are counted together. Thereupon said 'Hiskia: This Mishna speaks of spices possessing equal properties so as to sweeten the meal, when they can

be counted together, but not otherwise. Now you see, then, that this, 'Hiskia's explanation, is in the light of my considerations quite plausible, as he guides himself by the taste, while viewed from Rabha's standpoint how can the three spices be counted together now that each has a different name. Hereupon Rabha rejoined: This does not prove your opinion at all, since this Mishna expresses not R. 'Hiskia's view but that of R. Mair of the following Boraitha: R. Jehudah said in the name of R. Mair: When different forbidden things mix with one that is allowed, they may be added to count as one whole, for it reads [Deut. xiv. 3]: "Thou shalt not eat any abomination," etc., *i.e.*, whatever is detestable by the law, is forbidden to eat. Hence, whatever is forbidden, and be it of neither equal name nor taste, can, according to R. Mair, be counted together. Concerning wine into which forbidden vinegar fell in, so that its taste is discernible in that of the wine, all agree that it is prohibited; but if the vinegar is not discernible, the wine is allowed. In the case when prohibited wine mixed in vinegar, Abayi forbids latter even if only one drop fell into it, since the *smell* of the wine is changed when in proximity with the vinegar and it assumes that of the latter, hence, it is as if vinegar fell into vinegar and makes it forbidden even by a drop. Rabha, on the other hand, holds that only then is the vinegar forbidden when the taste of the wine in it is perceptible, otherwise they remain two separate classes even if the *smell* of the wine is changed to that of vinegar. Rabha and Abayi said: A heathen may put his nose to the ventilatory orifice of a cask with wine in order to smell the state of the wine, and be it the wine of an Israelite it is not rendered prohibited thereby. An Israelite, however, is not allowed, according to Abayi, to do the like on the wine of heathens, its smell, like itself, being prohibited; while Rabha allows the smell.

"*The rule is: a prohibited thing renders another one forbidden,*" etc. Said R. Jehudah in the name of Samuel: This rule is the prevailing Halakha. Furthermore, the grit spoken of in the Mishna is allowed only when it was hot at the time the forbidden vinegar fell upon it, for since vinegar imparts a good odor to cold grit, latter is prohibited even if it be boiled after in order to eliminate the good odor. Rabin, on his return from Palestine, said in the name of Rabba b. b. Hana, quoting R. Johanan as interpreting the Mishna in the very same sense. R. Dimi, too, quoted R. Johanan to the same effect, adding

yet that the people of Ciporias are in the habit of preparing on Fridays a meal consisting of cold grit mixed with vinegar and called *shichlaim*. Resh Lakish interprets this point of the Mishna as follows: That the spoiling of taste by a forbidden thing leaves the mixture allowed, intends to teach that even if this bad taste has been subsequently ameliorated by pepper, salt or other spices, the mixture remains allowed.

R. Abuhu says in the name of R. Johanan: A forbidden object dropped into a food and both visible and smellable therein, renders it unallowable to eat; whoever eats it is liable to stripes, provided, however, he ate of the forbidden object the size of an olive and for so long that one could consume in this time a food equivalent in size to four eggs. But if the forbidden object be only tastable and not visible, the food is prohibited, and the consumption thereof is not attended with stripes. On the other hand, if this object heightens the already bad savor of the food, it is allowed. Why does not R. Johanan say: If this object renders the taste of the food insipid, it is allowed? He intends to indicate that the intrinsic bad taste of the food is a condition for its being allowed after the adulteration with a forbidden object, even when its taste is capable of being improved upon by the use of various spices; and this shows that the prevailing Halakha is in accordance with Resh Lakish. R. Kahana said: From this entire discussion it is evident that a forbidden object dropped into a food and rendering it more insipid, leaves it allowed. Hereupon said Abayi: All the participants of this discussion have unambiguously expressed their respective opinions, with the exception of Resh Lakish, who only interprets the Mishna, reserving to himself his own opinion on the point. Now that the Halakha allows the food in question, it is manifest that there were some sages who thought it unallowable; which is, indeed, the case, as we have learned in the following Boraitha: R. Mair prohibits a food or a beverage rendered either more palatable or more insipid by a forbidden object mixed with it, while R. Simeon prohibits it only when rendered more palatable. Said Ula: They differ only in case when the forbidden object renders the food first more palatable, but then insipid; but when it renders it immediately more insipid, all agree that it is allowed. R. 'Haga objected to Ula from the following: If prohibited wine or vinegar poured upon lentils or grits respectively, each renders the food forbidden; R. Simeon, however, allows both by reason of their be-

coming thereby more insipid. Now, this former opinion can be only that of R. Mair's, who prohibits it though immediately rendered insipid. Ula answered: A man like 'Haga, who has no notion of what the sages ever say, ventures upon raising objections! The Boraitha adduced by him speaks of cold lentils and cold grits, which become more palatable by the wine or vinegar, but when put on fire they become more insipid, and it is this case that R. Mair forbids. R. Johanan, however, said: It is the case where a forbidden object renders a food more insipid right after mixing with it, that R. Mair prohibts and R. Simeon allows.

It once happened that a mouse was found in a barrel of beer and Rabh prohibited the beer. Whereupon the rabbis said in the presence of R. Sheshith: From this decision of Rabh we see that he prohibits anything that is rendered more insipid by a forbidden object mixed with it. Said R. Sheshith: Nay; this is far from being the case; this decision is but an exceptional with Rabh. Indeed, a mouse is so detestable a creature that no one would think of eating, and yet the law specifically prohibits it. It is this circumstance that induced Rabh to the above decision. However, R. Simi from Nahardea said: A mouse is by no means so abominable a creature; as a matter of fact, the field-mouse is being served even on princely tables, but in the case of the beer it was a house-mouse, and house-mice are not eaten. Rabha said: The Halakha is that a forbidden object rendering the food more insipid leaves it allowed, and as to Rabh, his reason is not obvious; if he thought the insipidness of no account, the Halakha is against him, or maybe he thought that the mouse contributes toward bettering the taste of the beer!

The schoolmen propounded a question: How is it when a mouse falls into vinegar? Said R. Hillel to R. Ashi: Such an incident occurred in the presence of R. Kahana and he prohibited the vinegar. R. Ashi remarked: This decision of R. Kahana hardly admits of generalization, for the mouse there was already wholly decomposed and he rationally feared lest something of the mouse would be consumed together with the vinegar. Rabina was about to allow the vinegar, provided its bulk was 100 fold that of the mouse, basing this upon the same law regarding Teruma, but R. Tachlipha b. Gisa reminded him to draw rather the comparison with the spices of the Teruma, where a portion of 101 fold is requisite. According to the calculation

of R. Ashi the bulk of the vinegar in order to be allowed must be to that of the mouse in the ratio of fifty to one. R. Samuel b. Aika finds the ratio of sixty to one necessary to declare allowable the beer. This ratio remains as the prevailing Halakha with regard to all contamination by forbidden objects (*e.g.*, when into a pot containing sixty pounds of allowed meat one pound of pork meat is mixed in, the whole mixture is allowed to eat).

MISHNA *III.*: Wine known as being watched is allowed when transported from place to place by a heathen and an Israelite, even if the latter absent himself. However, if he notifies the heathen that he is taking leave, and be it only for as short an interval as to enable one to bore a hole, close it up and have it dried, the wine is forbidden. R. Simeon b. Gamaliel says: This interval must be so long, that he could open the bunghole, close it again and have it dried.

When an Israelite leaves his wine on the wagon or boat of a heathen and himself takes a shorter road, the wine is allowed even if he succeeded to reach first the destination and to have a bath meanwhile. But if he notified the heathen of his leave, and be it for only as short an interval as to enable one to bore a hole, close it, and have it dried, the wine is prohibited. R. Simeon b. Gamaliel says: As long as to open the bunghole, close it and have it dried. When an Israelite admits a heathen into his wine store, the wine is allowed, even if the Israelite is only coming in and out; if, however, he says that he is going to absent himself, and be it only for as short an interval as to enable one to bore a hole, close it and have it dried, the wine is forbidden. R. Simeon b. Gamaliel says: As long as to open the bung, close it again and have it dried.

When an Israelite dines with a heathen at the same table, puts a bottle of wine on the table and another one on the by-table (δελφικος) and goes out, what is on the table is prohibited, what on the by-table is allowed; but if he said to the heathen: You only help yourself to the wine and drink, the bottle on the by-table is forbidden, too. If he leaves open casks they are prohibited; closed ones, they are only then forbidden when the heathen could unbung them, close again and have them dried.

GEMARA: "*Wine known as being watched,*" etc. This seems to express the same idea of the following Boraitha: When he who accompanies his drivers leaves them to convey the clean objects from one place to another, himself going away from them even a whole mile, the objects remain clean; if, however,

he told them: You go ahead and I shall follow you, the objects are unclean, as soon as he loses sight thereof. R. Itz'hak interpreted this Boraitha to mean in its first half that the owner had first to cleanse both his driver and animals with water.

"*When an Israelite leaves his wine in the wagon,*" etc. These two cases, though seemingly identical, are providing for different points. Indeed, the latter case could not be so generalized as to include the former, for here it may be assumed that the heathen is under the influence of constant fear lest the proprietor come in at any moment, while the condition on the wagon or boat is different. On the other hand, the former case cannot include the other one, for on the wagon there is yet a possibility left for the heathen to fear, lest he be overtaken by surprise and looked after from another direction, while in the store he could presumably lock the door, thus securing himself against surprise and doing what he pleases. Hence, the Mishna states both these cases. Rabba b. b. 'Hana in the name of R. Johanan: The Mishna prohibits the wine only when the bunghole of the cask was closed up with lime, but if with clay, an interval so long as to enable the heathen to open the hole, close it again and let it dry is necessary to prohibit it. Whereupon it was objected: A Boraitha teaches that R. Simeon b. Gamaliel said to the sages: When the heathen broaches the cask and then closes it up again, this is recognizable on the outward as well as on the inner surface of the bung. Now, if the stuff of which the bung is made be clay, R. Simeon's idea is clear, for clay when old becomes brighter in color, wherefor the new in it is easily distinguishable by the color, because the new clay cannot combine with the old one, since the hand cannot reach the inner sides. But if, as you incline to think, the sages speak of a *lime* bung, the new lime is not recognized, having as it does the same color as the old one. This objection was met thus: R. Simeon b. Gamaliel, ignorant of whether the sages spoke of a lime and a clay bung, was endeavoring to show that even in the case of lime a change produced by breaking is discernible though only on the inward side; so that the sages answered this point, contending that so long as it is not recognizable on the outward, the wine is prohibited, for it is to be feared that the inner side of the bung might perchance become difficult of recognizing, or that it was altogether forgotten to examine it. Said Rabha: It seems that the Halakha prevails with R. Simeon b. Gamaliel, for the end of the Mishna gives his opinion without mentioning

his name. And Rabha did well to remind of this, for otherwise it could be thought that the *whole* of the concluding paragraph (*i.e.*, beginning with R. Simeon till the end) was said by R. Simeon b. Gamaliel. But now that the Halakha here prevails with R. Simeon b. Gamaliel, *i.e.*, that there is no fear lest the heathen should break the cask, and above in Chap. II. it prevails with R. Eliezar, *i.e.*, the cask being well bunged, there is no fear of the heathen's opening it, why are we still refraining from keeping our wine in the house of a heathen? The answer is this: Every cask has a small orifice for ventilation, and it is feared lest the heathen should somehow get at the wine through it.

Rabha said: Though Israelites that come into the house of a heathen prostitute may not resist the sexual impulse, yet the wine which they chance to bring there is allowed, for they will surely prevent the prostitute from touching it. If, however, heathens visit a Jewish prostitute, her wine becomes prohibited, for it is safe to conclude that since she lowers herself so much as to have intercourse with heathens, she will admit them to touch her wine, too.

A heathen once happened to enter the wine-store of an Israelite, where he himself had some wine; he closed the door which had, however, a crevice, and through it he was seen standing among the Israelite's casks. Rabha decided this case thus: Only the casks visible through the crevice are allowed.

Jewish wine was once stored up in a house where a heathen and an Israelite lived in the lower and upper floors respectively. One day the two, alarmed by a sudden noise in the street, went out to see what was the matter; the heathen was then the first to return, and locked the door. In this case Rabha allowed the wine, for, he argued, the heathen may think that the Israelite entered first and might surprise him any minute. In another case where a heathen was found among casks of Jewish wine at an inn, Rabha decided thus: If the heathen is suspicious of being a thief, the wine is allowed, for he will be afraid to touch it; but if this is not the case, the wine is forbidden, for once he approached it he must have touched it.

There was another case where a heathen was found among the casks and Rabha decided it again conditionally—viz.: If the heathen has good reasons to account for his being in the cellar the wine is prohibited, because the fear of being surprised is counterbalanced by the said reasons, and he will surely touch the wine; but if he has no such reasons, the wine is allowed,

because of his fearing to be surprised. An objection was raised from the following: Unguarded Jewish wine in a public inn in which Israelites always come and go, but which happened to be closed so that it became inaccessible to Israelites; or wine left in the inn by an Israelite who requested a heathen from outside to watch it, is in both cases forbidden. In the latter case the heathen has sufficient ground to believe that the Israelite, who of his own accord made him the watchman of the wine, will not return so soon, so that there is ample time to touch the wine; this wine, we see, is indeed forbidden, though the heathen, if taken by surprise, would have no reasons to account for his being near it! Now, Rabha would allow the wine under these conditions. The Boraitha, then, must, therefore, be so interpreted as to mean that the heathen would have reasons for approaching the wine.

An Israelite and a heathen were once at an inn sitting and drinking wine. As the hour of prayer arrived, the Israelite went to pray, leaving the wine where it was. Rabha allowed this wine on the basis of the heathen's fearing to be surprised.

Once an Israelite was with his wine in a boat where a heathen, too, embarked. On hearing the trumpet announcing the approach of Sabbath, the Israelite went on land to enjoy there the Sabbath day. Also in this case Rabha allowed the wine left alone on the boat with the heathen, on the above basis. The possible objection here—viz.: The heathen, knowing that the Israelite will not on Sabbath come back to the boat, will have no fear of being surprised, Rabha meets by saying that the heathens do not believe the Israelites to keep the Sabbath so strictly, and he corroborates this view by citing the words of the proselyte, Issur, who told him that, when yet a heathen, he was sharing in the general conviction of all other heathens that the Jews merely *pretend* to observe the Sabbath day, because if they actually kept it, there would be found the pocket-books lost in the streets, since the Jews are prohibited from picking them up on Sabbath. However, the proselyte went on: Since he became an Israelite he has learned to know better the law laid down on this point by R. Itz'hak—viz.: When an Israelite finds on Sabbath a pocket-book, he must stop for a while, then move on for a distance less than four ells, stop again, etc., till he reaches his house, where he may leave it, and this is the reason why there are no pocket-books in the streets on the day of Sabbath.

An Israelite once happened to leave his wine in the press. Meanwhile a heathen, who heard the roaring of a lion, ran into the press among the casks of wine for his life. Rabha allowed this wine, because the heathen will surely think that some Israelite, too, may chance to save himself here from the lion, and thus take him by surprise, were he to attempt at touching the wine.

In the city of Pumbeditha thieves once intruded into a house, and it was afterward feared that the casks of wine had been opened by them. As it was not certain whether the thieves were Jews or heathens, the case was brought before Rabha, who allowed the wine on the ground that the majority of thieves in that city are Jews. In a similar case that occurred in Nahardea, Samuel, too, allowed the wine.

A heathen girl was once found among the casks of Jewish wine, holding in her hands wine froth. Rabha allowed the wine, for she might have gotten the froth on the outside of the cask, which, though now no longer noticeable there, might have come out before by chance.

Soldiers once arrived at Nahardea and opened quite a number of Jewish casks. R. Dimi tells of a similar case that occurred in Palestine, and R. Elazar allowed the wine, with no definite reasons, however, to base this decision; he either guided himself by the opinion of R. Eliezar, who holds that a doubt as to whether or no a heathen came near the wine found open is a reason to allow it; or he assumed that the majority of the soldiers were Jews.

A Jewish woman, dealing in wine, once left her keys in charge of a heathen, and the question came up as to whether her wine she has in the tavern is allowed? Said R. Itz'hak in the name of R. Elazar: A similar case was once cited before the sages assembled in college, and they allowed the wine; because entrusting one with the taking care of the key by no means allows him into the room. Abayi said: A like decision is pronounced in the following Boraitha: When one leaves to the care of an ignoramus the keys of his barn where fruit is stored up, the fruit is not defiled, because the keeper of the key is only appointed to watch the key. It is thus obvious that, since in the case of an ignoramus who is ignorant of the rules regarding cleanness the fruit is none the less allowed, the more so in case of the wine. It must, moreover, be concluded from here that the provisions of wine are not so stringent as those of

cleanness. The like was, indeed, taught, as follows: When a Jewish scholar lives in the same house with an ignoramus, each having his own courtyard separated from the other's by a low partition, so that one can look over into the other one's yard, and the scholar stores up in his yard something capable of being defiled, and goes away, these things are rendered unclean on the assumption that his ignorant neighbor has touched them. But if the scholar's neighbor is a heathen and the former deposited wine in his own yard, this is, according to Rabh, allowed. R. Johanan, however, holds that the former, too, remains clean.

MISHNA *IV.*: When an army enters a town in time of peace, the open wine-casks are forbidden, the closed ones are allowed; but if in time of war, both are allowed, for there is no leisure then to make libations.

GEMARA: This Mishna was contradicted from the following: When a city is conquered by a besieging army, the wives of the priests are prohibited to their husbands. Whence it follows that the soldiers find time for debauchery. Thereupon replied R. Mari that they do not find time for offering wine, but they find it for satisfying their voluptuous inclinations.

MISHNA *V.*: Artisans who are offered by a heathen a cask of offered wine as their remuneration, are allowed to ask of him its worth in money; if, however, the wine has already entered their possession, they are forbidden to ask it.

GEMARA: R. Jehudah said in the name of Rabh: A Jew may say to a heathen, Go and pay for me the government taxes, without becoming liable, even if the heathen gave to the treasury wine instead of money. The following Boraitha was, however, adduced as objecting to this view: A Jew is not allowed to ask a heathen: Go and gratify for me this or that officer. Hereupon Rabh answered: The two cases are incomparable; *I* allow a Jew to pay his taxes through a heathen, while the Boraitha prohibits him from asking the heathen to do such a thing for which doing the Jew is himself responsible.

MISHNA *VI.*: He who sells his wine to a heathen is allowed to use the money, provided he has fixed the price *before* measuring the wine, but if he had first measured out and then determined the price, the money is forbidden.

GEMARA: Amemer said: The law governing the transition of title in an object with the object itself extends to non-Israelites as well; instance the Persians, who are in the habit of sending presents to one another; they can never get back the present

which once reached the possession of the other one, since *ex facto* the title passes to the latter and the present is regarded his ownership. R. Ashi, however, questioned this positive extension of the law, and rejected the adduced instance as not convincing, because the fact that the Persians do not return presents is due merely to the pride they take in not *asking* back whatever they have once given away (but if they were asking it back, it would have to be returned). This view can be further substantiated by the following: Rabh was instructing the Jewish winesellers to take of the heathen the money *before* giving him the wine, and to rather lend him money for which he might buy his wine, than to give him wine on credit, for by the fact of getting the wine he does not yet obtain title therein, hence, he renders it as Jewish wine unallowable for use. This shows convincingly that the law mentioned at the outset is not extended to non-Israelites. Thereupon it was further argued that Rabh would prohibit the wine only when it has been measured out to the heathen in *his* vessels, which fact, apart from the question of ownership, renders of itself the wine forbidden. But, was again contended, admitting this argument, we can none the less say that the question of ownership *is* concerned here—viz.: The wine becomes unallowable as soon as it reaches the bottom of the heathen's vessel, but it becomes his property as soon as the Israelite *begins* to pour it, *i.e.*, *before* it reaches the bottom of the heathen's vessel and when it is yet allowed, and still Rabh instructs the wineseller to take the money *first*. Whence it may be inferred that the flow is considered a connecting link.

Shall we assume that Rabh told the Jewish winedealears to have their heathen customers pay in advance, because he holds that the jet between the two vessels unites them so as to be regarded one, wherefore the wine becomes forbidden as soon as the first drop of it touches the heathen's vessel? However, the adduced is not at all evidence that the said law is not extended to the non-Jews, for if the heathen kept the vessel in his hand while the Isrealite is pouring Rabh would not prohibit the money, as he prohibits only when the vessel stands on the ground while the pouring is being done. It can, however, be shown that, notwithstanding this, it *is* evidence against the extension of the said law. For, the wine is the heathen's property as soon as it enters his vessel, and yet it is not forbidden, unless he touches it; and the Israelite would be allowed to take the

money also after, were this law extended to the non-Jews, too. Now that Rabh requires the payment to be made in advance, it is clearly shown that the law is not extended beyond the Jews.

Or shall we assume that Rabh holds that so long as the object sold is in the vendors' house, though in the purchasers' vessel, it is not regarded as received until after the purchaser takes it into his hand? But this would speak neither for nor against the extension of the law. The fact is that Rabh requires payment in advance for an entirely different reason, viz.: he fears lest the vessel brought by the heathen to the Israelite have some wine drops on its brim, so that as soon as the wine poured in touches them it gets all prohibited.

If we admit this to be the case, it would seem that Rabh differs with R. Simeon b. Gamaliel who said: When forbidden wine is entered into allowed one, it is not allowed to drink, but it is allowed to sell it and derive benefit from its money, excepting however the worth of the admixed forbidden wine, which should be cast into the sea. Nay, Rabh does not differ with, but holds that R. Simeon allows the benefit of the wine only when there was mixed among many casks one of forbidden wine; then all casks may be sold and the worth of the one forbidden should be cast into the sea: but if wine is mixed with wine, also he prohibits all benefit thereof.

The following objection was raised against Amemer: When an Israelite buys of a heathen old silver where he finds an idol, he should, upon receiving title in, and paying money for, the silver, throw the idol into the sea; if, however, he has not yet paid the money for, though already received, the silver, he should return the same, saying: I do not buy it. Now, if the law were extended to non-Jews, how could here the Israelite return the silver already received by him? Said Abayi: This is no objection, as in this case the transaction is made merely by error, the Israelite believing all the time that he receives old silver and not an idol; hence, as he had not in mind to buy an idol, he may return it. But, rejoined Rabha, if you consider this but an erroneous transaction, why should the Israelite cast the idol into the sea, once he has paid the money? Why should he not rather return it also here and disclose the error? The answer is that the Israelite may, indeed, regard the transaction erroneous, but lest it should appear as if the Israelite is getting money for an idol, the sages prohibited him to return it.

Mar, the elder son of R. 'Hisda, said to R. Ashi: But it is

expressly stated in the Mishna that if one sells his wine to a heathen and has determined the price before he measures out the wine, the money is allowed. Now, if according to your opinion the foregoing law is not extended to non-Israelites, how should we understand this Mishna? Here of necessity the wine would have to be considered the Jew's property, until after he has received the money; but as the wine becomes prohibited when touched by the heathen, the Jew should not be allowed to take the money therefor? Hence we must say that the law is extended, and the wine (of the Mishna) is regarded property of the heathen as soon as he has received it, so that by touching it he renders prohibited his property, and therefore the Jew is allowed to take the money. Hereupon said R. Ashi: The Mishna may be understood also without your explanation, viz.: He had received the money before the heathen took possession of the wine. But, retorted the other, if so, how is the concluding sentence of the Mishna to be understood, viz.: If he had measured out the wine before he determined the price, the benefit of the money is forbidden? Said R. Ashi: And according to your opinion the wine belongs to the heathen as soon as he has received it, why then is here the money forbidden? You see then that the main point here is the fixing of the price. It is namely the fixing of the price that conditions the passing of the title: if the price was fixed *before* the measuring, the wine is the heathen's and its money is, therefore, allowed; but if *after*, it is not yet the heathen's and its money is forbidden.

Said Rabina to R. Ashi: Come and hear what R. 'Hyya b. Aba said in the name of R. Johanan, if a descendant of Noah steals an object worth even less than a *peruta*, his sentence is death, and the law of returning (the stolen) is not applied here. Now, why is this law not applied here? presumably because the object in question is of so little value that no one will care to require it. Assuming now that the previously discussed law is not extended to non-Israelites, why should a descendant of Noah be subject to capital punishment for stealing from a Jew, when the object is here always to be regarded as remaining the property of the Jew? Hereupon said R. Ashi: It is so indeed, and he is not put to death for the theft, but for his intention to kill the Jew if he attempted to resist. Retorted Rabina: If such be the case, how do you understand the non-applicability in this case of the law of returning? And he answered: As the descendant of Noah causes by said intention a state which he

can neither annul nor reward, the said law is not applicable here. (Says the Gemara): If so, how is to be understood the last part that when his comrade robs from the first thief the stolen object, he is to be put to death; now, according to your opinion, the second robber who has nothing to do here with the Jew, should not be put to death! Hence it is shown that the law regarding the passing of title in an object (by merely touching it) does extend to non-Israelites.

Once an Israelite said to his neighbor: When I make up my mind to sell this field I will sell it to you. Later on he sold it to a third party. R. Joseph decided that the first one is entitled to the field, provided he gives the same price offered by the other purchaser. Abayi, however, disputed this decision on the ground that the owner did not fix a price when making the promise to the first party; and, as it is evident from our Mishna, a sale is determined by the fixing of the price, I should like to know if the Mishna concerns itself only with wine because of its being very rigorous, or also with *all* other sales? Come and hear. Aidi b. Abin said: A case similar to that of the foregoing sale of the field was once brought up before R. 'Hisda, and he consulted R. Huna about it. R. Huna decided it from the following Mishna: When one brings to market fruit on animals or men, and a purchaser, asking him to convey this fruit to his house, himself leads the men or animals with the fruit to his house, the fruit is not yet thereby considered his own, and it is immaterial whether the price was determined upon before or after the measuring of the fruit. The two, purchaser and vendor, may yet withdraw. But if the fruit was unloaded and carried into the house, the following conditions are determining: If the price had been fixed before the measuring began, the sale is a sale and neither vendor nor purchaser can withdraw; if, however, the measuring takes place before the fixing of the price, either party may nullify the transaction. It is thus obvious that (the time of) fixing the price is a condition precedent to a valid transaction.

An Israelite once said to his neighbor: When I make up my mind to sell this field, I will sell it to you for a hundred *zuz*. Sometime later he sold it to another one for 120 zuz, and R. Kahana decided the case in favor of the first party (to whom the owner made the promise). R. Jacob from Naharpakod disputed this decision, contending that the owner, while making his promise, had no desire yet to sell the field; it was only the high

price of 120 that induced him to the sale, while for a hundred zuz he would not sell it yet. And the Halakha prevails with R. Jacob from Naharpakod; *e.g.*, if one offers to sell to his fellowman an article for a price estimated by *three* people and then two of them find the article to be worth 100 zuz and the third estimated it at 120 zuz, the estimate of the two prevails. But if the condition of the offerer was that the price be *determined* by *three* people, all the three must agree in their determination of the price. (The reason of this distinction is that in the former case the three persons who are to estimate constitute a jury, and hence the majority rules, while in the latter case the three are to *determine* the price, which can be done by persons not on the jury, and hence the determination must be unanimous.) However, if the offerer put up the condition that the price of the article be either estimated or determined by *four*, unanimity is a requisite in both the cases (because by leaving the matter to four people the vendor clearly indicates that he does not want a jury, as a jury never consists of four). Again, if the vendor after empowering three men to estimate the article refuses afterward to abide by their estimate, requiring to choose another three men who, he thinks, better understand the value of such articles, R. Papa says: He has the right to do so, while R. Huna b. R. Jehoshua denies him such right on the ground that with such a right the vendor would be enabled to drag the transaction *ad infinitum*. And the Halakha prevails with R. Huna b. R. Jehoshua.

MISHNA *VII.*: If the funnel was first used to measure through it into the heathen's flask and then into that of an Israelite, the wine of the latter is forbidden when there has been left in the funnel a drop or so from the heathen's wine. Furthermore, wine left in the vessel after some of it has been poured into a heathen's vessel, is allowed, but the wine poured out is forbidden.

GEMARA: An objection was raised from the following Mishna: The jet formed by the pouring, the streaming flow and the moisture form no connecting link for either defiling or purification, while a cellar does form a connection for both; and according to R. Huna the jet, etc., form also such a connection with regard to wine.

R. 'Hisda once said to the Jewish wine-dealers: When pouring your wine into the cask of a heathen, you either do it abruptly, bending each time your vessel backward, or do it all at

once—all this in order that the jet may not connect the two vessels. Rabha said to the wine-pourers: Do not allow a heathen to assist you in pouring, for it may happen that a heathen, supporting all alone a vessel, would empty its contents without the aid of the Israelite, and this would render the thus emptied wine forbidden.

An Israelite was once emptying wine from one cask to another by means of a siphon, when a heathen came and touched the siphon. Rabha prohibited the wine in both casks. Hereupon R. Papa, according to others R. Ada b. Mathna, or to still others, Rabina, said to Rabha: Shall we assume that the jet forms a connection, and that on this your decision is based? And the answer was: Nay; this case is of a different nature; the heathen's touching the syphon is equivalent to his touching the cask itself. Mar Zutra b. R. Na'hman said: An Israelite may drink with a heathen from one decanter called *kanishkanin* (having several pipes), provided the former is the first to stop drinking; for if the heathen were the first to stop, the wine left in the pipe would flow back into the decanter and render unallowed the whole wine therein. Rabha b. R. Huna, when at the house of the Exilearch, said the same, and according to others, he himself drank from a kanishkanin.

MISHNA *VIII.*: Devoted wine is prohibited and renders unallowable even by a minimal quantity; the same is the case with devoted wine or water mixed with other wine or water respectively, and be it in a minimal quantity, likewise wine with water or *vice versa*, provided the quantity be such as to impart a flavor to other ingredients. This is the rule: When the two ingredients are of the same kind, a minimal quantity suffices; if, however, they are of various kinds, the imparting of flavor determines.

GEMARA: On his return from Palestine, R. Dimi said in the name of R. Johanan: When an Israelite empties prohibited wine into a reservoir with allowed wine even for as long a time as the entire day, the whole of the wine is allowable, because the allowed wine of the reservoir being every time sixty fold bigger than the first drops of the prohibited wine, keeps the entire wine allowable, *i.e.*, inclusive of the whole prohibited wine emptied into it. Now, how can this view be reconciled with the dictum of the Mishna that a minimal quantity of prohibited wine renders other things forbidden? Not otherwise than by reversing the order of its statement, thus: When

allowed wine is emptied into forbidden one, and be it in a minimal quantity, the former is rendered forbidden. Come and hear another objection: Our Mishna further establishes "the imparting of flavor" as criterion; does it not mean that the forbidden fell into the allowed? Nay; it means *vice versa*. But if the water spoken of in the first part means forbidden water, we must say that the same is the case with the water mentioned in the second part when it falls into the wine, and the "imparting of flavor" is here the criterion? R. Dimi may say that the entire Mishna speaks of the permissible falling into the forbidden; but in the first it is the water that is the forbidden, and in the second the wine is the forbidden and the water the permissible. R. Itz'hak b. Joseph on returning from Palestine said that R. Dimi's version of R. Johanan's view was faulty, and corrected it thus: When an Israelite empties forbidden wine from a vessel with a narrow mouth into a reservoir with allowed wine, even the whole day long, the forbidden wine is rendered allowable by the wine in the reservoir on the basis of the sixty to one ratio. Whence it is manifest that R. Johanan allows to do this only from a narrow-mouthed vessel, which makes but a very thin jet, but not from a barrel that has a thick flow. Rabin, however, when he came from Palestine, declared this version, too, as inexact, and formulated R. Johanan's opinion as follows: When forbidden wine falls into the said reservoir and simultaneously a pitcher of water also falls in, the allowed wine of the reservoir is not taken account of; only the water must be reckoned in relation to the forbidden wine, and if it be sixty fold the latter, the whole is allowed. R. Samuel b. Jehudah, on coming from Palestine, said that to Rabin's version R. Johanan adds: Provided the water fell in first into the allowed wine in the reservoir, the incoming forbidden wine becomes allowed; if, however, the forbidden wine first fell into the reservoir and then the water, all remains prohibited, because the wine has met with its own kind and asserts itself. According, however, to another opinion, R. Samuel b. Jehudah explains not Rabin's version, but our Mishna, where it says that wine mixed with wine, even in a minimal quantity, renders it prohibited. This, he says, R. Johanan understands as follows: If wine meets wine only, then a minimum renders prohibited; but if a pitcher of water falls also at the same time, the allowed wine is not counted at all, and the water, greater in quantity than the wine, abolishes it. And it

is by far not a matter of indifference whether Samuel's explanation is concerned as relating to the said Mishna or to the foregoing version of Rabin. If it refers to the Mishna, he must be understood to allow the wine regardless of the question whether the water was first added to the allowed wine and then the forbidden wine or *vice versa*. On the other hand, if his explanation applies to Rabin's version, he presumably holds that the water must come first and then the forbidden wine.

It was taught: If forbidden wine falls into a reservoir, and simultaneously a pitcher of water, 'Hiskia prohibits it, provided the forbidden increased the quantity; but if the water increased the quantity, then he allows it. R. Johanan, however, allows also in the case when the quantity was increased by the forbidden. R. Jeremiah asked R. Zera whether the difference of opinion exhibited by 'Hiskia and R. Johanan is the same as that shown by the respective opinions of R. Eliezar and the sages in the following Mishna: In a case when both ordinary and Teruma leaven fell into a dough and neither of the two would of itself cause fermentation, but together they would do so, R. Eliezar guides himself by that which fell in last, while the sages hold that the Teruma leaven does not render prohibited, unless it suffices to cause by itself fermentation, and it is immaterial whether it fell in first or last. Replied R. Zera: How can this be borne in mind? Did not Abayi say that R. Eliezar allows the dough only when the Teruma leaven was put in first, then taken out and the other leaven put in; but if the Teruma leaven remained, the dough is prohibited? 'Hiskia allows the wine even when the forbidden one remains. The difference in the opinions of 'Hiskia and R. Johanan concerns only the consideration (*i.e.*, whether the allowed wine may be considered as non-existent). R. Johanan holds this theory of consideration, while 'Hiskia does not.

The following was taught in support of this: R. Ami, according to others R. Assi, said in the name of R. Johanan: Suppose two goblets, one containing ordinary, the other Teruma wine, each diluted with water; if now the two wines be mixed into *one* goblet, the ordinary wine is not considered as existing at all, hence, if the water is to the Teruma wine in the ratio of sixty to one, the wine is negligible.

"*This is the rule: When the two are of the same kind, a minimal quantity suffices; if, however, they are of various kinds the imparting of flavor determines.*" Rabh and Samuel say that

all objects biblically forbidden, render by minimal quantity prohibited all other objects of the same kind; but if of a different kind, they are made unallowable only when the flavor of the forbidden is perceptibly imparted to them. And this is inferred from the expression of the Mishna "this is the rule," which expression would be superfluous if not for generalizing this biblical prohibition. On the other hand, R. Johanan and Resh Lakish both decide all such cases of biblical prohibition by the rule of "imparting flavor," irrespective of identity or diversity of kinds; and the expression of the Mishna "this is the rule" they explain as including a mixture of grain from which it is not known whether Teruma and tithe were separated.

There are two Boraithas, one held in the sense of Rabh and Samuel, the other in that of R. Johanan and Resh Lakish: (1) All objects biblically forbidden render objects of the same kind prohibited by minimal quantity, objects of another kind by the imparting of flavor. (2) All objects biblically forbidden render *all* other objects prohibited by the imparting of flavor irrespective of kind; the mixture mentioned above and the wine form the only two exceptions: A mixture from which Teruma has not been separated, as well as offered wine, renders objects of the same kind forbidden by minimal quantity; objects of a diverse kind, by imparting flavor. The rigorousness of the wine regulation is readily justified, when we remember that here idol-worship is concerned; but why is it applied also to the mixture? The answer is that as regards the separating of Teruma the same law holds good—viz.: When the owner separates as Teruma but a single grain from a heap of 1,000 measures, it is, according to Samuel, sufficient; hence, when from such a heap of 1,000 measures, from which no Teruma has as yet been separated, a single grain comes to another heap of like magnitude, the latter is rendered prohibited. And there is also a Mishna to the same effect: According to the sages an object renders prohibited other objects by minimal quantity when they are of the same kind, but if they are of various kinds, the imparting of flavor is the deciding factor.

MISHNA *IX.*: The following objects are forbidden and render prohibited by minimal quantity: Offered wine, an idol-image, holed hides, an ox sentenced to be stoned, the heifer destined for breaking off her neck, the fowl sacrifices of the leper, the hair of a Nazarite, the first-born of an ass, meat cooked in milk, the kid exported on the Day of Atonement, and

ordinary cattle slaughtered in the courtyard of the temple. All these objects are themselves forbidden and render prohibited by their minimal quantity.

GEMARA: If the Mishna classifies these objects on the basis of their perceptible number, why does it not include here pieces of a carcass? Or if it enumerates only objects of which all benefit is forbidden, why does it not include leaven on Passover? Said R. 'Hyya b. Abba, according to others, R. Itz'hak of Naph'ha: The Mishna enumerates here objects that are both perceptible in number and prohibited for all benefit.

"*All these objects.*" What does this expression exclude? Objects whose number is a matter of indifference, their benefit, though, being forbidden; or *vice versa*, objects allowed for benefit and perceptible in number; it is such objects that render prohibited not by minimal quantity, but by imparting flavor.

MISHNA *X.*: When offered wine flows down into a reservoir of wine, the benefit of the whole wine is forbidden. R. Simeon b. Gamaliel, however, says: The whole is allowed to be sold to heathens, excepting the worth of the offered wine therein.

GEMARA: Said Rabh: The Halakha prevails with R. Simeon b. Gamaliel only in the case when a *cask* of devoted wine was mingled among casks of Jewish wine; but when devoted wine is mixed with other wine, the whole is forbidden. Samuel, however, says: The opinion of R. Simeon b. Gamaliel prevails as the Halakha concerning wine also. With Samuel agree Rabba b. b. 'Hana in the name of R. Johanan, R. Samuel b. Nathan in the name of R. Na'hman in the name of Rabha b. Abuhu. R. Na'hman himself, however, said that for practice it should be decided thus: If it is definitely known that the admixed wine was devoted wine, Rabh's procedure is the right one; but if the case is doubtful, Samuel's view is to be followed.

MISHNA *XI.*: A stone wine-press waxed by a heathen must only be washed to remain clean; but if it is of wood, Rabbi says it must only be washed, while the sages say that the wax must be wholly removed. Finally, if it is a clay press it is forbidden even when the wax has been removed.

GEMARA: Rabha interprets the Mishna thus: The washing suffices only when the heathen waxed the press, but if he pressed his own wine therein, the entire wax must be removed. Is not this self-evident from the fact that the Mishna does not mention the pressing? Lest one say that the expression of the

Mishna is *not* exclusive of the other case, hence his interpretation. Here is a case to this effect. An Israelite once appeared before R. 'Hyya asking him thus: Send a man with me to investigate whether my wine-press is in legal order, so that I might press my wine therein. Hereupon R. 'Hyya said to Rabh: Go and examine the man's press, but state your opinion in a manner as not to excite any dispute in the college. Upon examining the press, Rabh found it smooth, and thought it need only be washed. However, further examination revealed to him a fissure in which some wine, though dried up, was noticeable; then he decided that washing is not sufficient, but that the wax must be wholly removed, adding: I now understand the apprehension of my uncle regarding a possible dispute in the college consequent upon my decision; indeed, had I but relied upon my first superficial examination, my decision would have been disputed.

The rabbis taught: A press, a ladle, and an earthen funnel that belong to a heathen and are not waxed Rabbi allows to use, provided they have first received a washing, while the sages prohibit them. As to the use of earthen wine-pitchers, Rabbi, too, forbids it, for such pitchers are used for a greater length of time, while the foregoing vessels are used but temporarily; but again, if these vessels are of wood or stone they are, after being washed, allowed if not waxed, but if waxed they are forbidden. Now, this last prohibition seems to conflict with the Mishna which declares clean a stone press waxed by a heathen, provided it be washed before using it? The answer is that the press of the Mishna is, though waxed, yet not used by the heathen, while the Boraitha speaks of a press where the heathen pressed wine.

The master says: A press, a ladle and an earthen funnel that belong to a heathen, are allowed to use upon being washed first, while the Mishna prohibits an earthen press even after the wax thereof has been removed? Said Rabha: In the Boraitha it is Rabbi that allows, while the sages forbid here as well as in the Mishna.

Rabha lectured: When an Israelite wishes to use a heathen's wine-press, he must first wash it with boiling water. When Rabha once sent his wine-pitchers to Harpania through a heathen, he put each pitcher-mouth downward into a sack and sealed the latter, thereby effecting a double sealing; for he was of the opinion that the sages prohibit such vessels as used to preserve

wine for a long time, even if they have been but for a short time in the hands of a heathen.

How should the washing prescribed in both Boraitha and Mishna be done? Rabh says, with water; while Rabba b. b. 'Hana says, with ashes—that is to say, the two require the washing to be done with both water and ashes, and differ only as regards the order, Rabh requiring the water first, and Rabba the ashes first; not is their point of difference one of essence, as the former has in view dry vessels and the latter moist ones. The disciples of Rabh at Suro said in his name that the washing is done as follows: To dry vessels apply first water, then ashes, and then again water; to moist vessels, first ashes, and then water. The same disciples said in the name of Samuel: To moist vessel apply in this order: ashes, water, ashes; to dry ones, in this order: water, ashes, water, ashes. The disciples of Rabh at Pumbeditha quoted him as holding the just-cited view of Samuel, and Samuel as requiring this procedure: To moist vessels, ashes, water, ashes, water, *i.e.*, four; to dry vessels, water, ashes, water, ashes, water, *i.e.*, five processes; hence, Rabh and Samuel are of the same opinion, with the only difference that the former does not count the last water, which Samuel does.

R. Abuhu on being once asked how the cover of a heathen's press should be cleaned, answered with the following Boraitha: Wine or oil-presses of an Israelite that have become unclean must be cleaned in the following manner: The sideboard of the press, the press itself and the brooms must be washed with water; the press cover, however, if made of hemp stalks or osier, must be washed according to the directions of Rabh and Samuel; but if it is of reed or thin wood, it must be left unused for a year; R. Simeon b. Gamaliel, however, finds the period between two consecutive press-seasons sufficient, which period is sometimes more sometimes less than a year. Said R. Jose: If the cover is needed for immediate use it should be put in boiling water or passed through the boiler where are roasted the olives from which the oil is pressed. R. Simeon b. Gamaliel said in his name: The cover may be put under the water of a cascade or of a spring. And for how long? For an *Onah*. The same laws which the sages have established with regard to clean and unclean, are also concerning the question of devoted wine.

How long is an Onah? R. Hyya b. Abba said in the name of R. Johanan: An Onah is the length of either a day or a

night. R. Hana b. Sheina, according to others, R. Hana b. Sheina, said in the name of Rabba b. b. 'Hana that R. Johanan makes an Onah equal to the length of a half a day and night. However, according to each version, the Onah equals twelve hours, since the one refers to the equinox and the other to the solstice season.

R. Jehudah says: The bags of the heathens through which the wine is filtered of its dregs, are subject to the following regulations: If they are made of human hair, they must first be washed with water before an Israelite may use them; if of wood, they must pass through water and ashes; finally, if of linen, they must be set aside for twelve months, and if they have knots they must be unravelled. Baskets and beehives used by the heathens in working the wine, are under these rules: If woven of palm-twigs, they should be washed with water before the Israelite uses them; if of reed, the washing should be with water and ashes; linen sieves must be put aside for twelve months, and if they have a knot it must be opened.

What must be done when an ignoramus thrust his hand into the wine-press and touches the grapes and the wine? Of the two sages, Rabbi and R. 'Hyya, one says only the grape touched by him and whatever is immediately adjacent thereto is unclean and must be removed from the press, but not the rest; while the other says: All that the press contains is defiled by his touch. The former opinion seems to conflict with the following Mishna: A reptile found in an oil-mill renders unclean only the place touched by it, but if there be a flowing liquid, all becomes unclean. The answer is that the grapes are on the twigs of the cluster, so that wood intervenes between the place touched and the fluid, and wood is not receptive of uncleanness.

The sages taught to R. Jeremiah, according to others, to his son, that the Halakha prevails with him who says that only the part touched by the Amharetz and its immediate environment are unclean, while all the rest in the press is clean.

MISHNA *XII.*: Utensils bought of a heathen must be cleansed according to usages: if they are customarily immersed in water, they must be cleansed so; if boiled, by boiling; if glowed, by glowing in fire. A spit or a gridiron must be glowed; a knife is cleansed even by grinding it.

GEMARA: There is a Boraitha: The objects mentioned in the Mishna, upon being cleansed in the prescribed manner, must be again immersed in a tank holding forty saäh of water.

Whence is this deduced? Said Rabha, from [Numb. xxxi. 23]: "Everything that cometh into the fire, shall ye make go through the fire, and it shall be clean." The apparently redundant phrase "and it shall be clean" calls for another cleansing, which is the last immersing.

Bar-Kapara taught: The last sentence of the verse is introduced by "yet" in order not to give rise to the belief that the said objects must on the third and seventh day be besprinkled with the sprinkling water. Moreover, the term *mei nidah* (*i.e.*, the waters where the menstruant woman bathes) is used with a view toward emphasizing the necessity of immersing them not merely in water, but in a tank holding forty saäh thereof. Again, it is also evident that both the sentences, that "it shall be clean," and the next one, "yet it," are necessary: the former alone would merely indicate the necessity of an additional immersing in general (and not in forty saäh); while the other sentence alone would give ground to assume that the rules regulating the said utensils are identical with those providing for the woman's cleansing of her menses, which is, besides the immersing, yet conditioned by the sunset; hence, the former sentence serves to prevent such an assumption. R. Nahman said in the name of Rabba b. Abuhu: New utensils, too, bought of a heathen, must be cleansed, just as vessels passed through fire must none the less be also immersed; whereto, R. Sheshith opposed, saying that according to this opinion scissors bought of a heathen would also need immersing, to which R. Na'hman replied that it is only kitchen utensils that are concerned here. R. Nahman said again in the name of Rabba b. Abuhu: The rule of immersing applies only to utensils bought as it was in Midian, but not to those borrowed of a heathen.

R. Itz'hak b. Joseph happened once to buy of a heathen an earthen vessel and wanted to immerse it, when R. Jacob said to him: I have heard from R. Johanan that only metallic vessels need immersing. R. Ashi said: Vessels of glass, too, must be immersed, for they can, after being broken, be restored to their former state, wherefore they equal those of metal. As to glazed vessels R. A'ha and Rabina express their opinions as follows: One holds that as these vessels are of earth they need not be immersed; while the other maintains that since in glazing lead is used, these vessels are regarded as metallic, and need immersing; and so the Halakha prevails.

The schoolmen propounded a question: Is it allowed to use

without immersion a new vessel received of a heathen as a pledge? Said Mar b. R. Ashi: A heathen once left with my father a silver goblet as a pledge, and he had first immersed and then used it; however, I am not in a position to tell whether my father was of the opinion that a pledge is in general regarded as bought, wherefore immersion thereof is obligatory, or he knew in that particular case that the heathen was not going to redeem the goblet, so that it surely remained his property.

The rabbis taught: New kitchen utensils bought of a heathen need immersion; furthermore, vessels already used by a heathen, but merely for preserving cold articles, such as goblets, small wine-pitchers and glasses, must be first washed with, and then immersed in, water; vessels, however, already used by the heathen to preserve warm food, etc., such as kettles, pans and water-boilers, must first be passed through boiling water and then immersed; finally, vessels used by the heathen only on fire, such as spits and gridirons, must first be glowed and then immersed. In case, however, an Israelite made use of such utensils without having submitted them to the prescribed process of cleansing, all that was kept or prepared in them is, according to one Boraitha, forbidden, and according to another, allowed; the one basing itself upon the opinion that all forbidden objects, even if they make a food when mixed to it insipid, render it prohibited, while the other Boraitha guides itself by the opposite opinion. But, may be asked in this connection, how does he who leaves an object allowable provided the admixed forbidden thing augmented its insipidness, interpret the Scripture's prescribing to the Israelites to cleanse the vessels they acquired through their conquest of the Midianites? Said R. 'Hyya b. R. Huna: The prescription of Scripture just alluded to concerns only such kitchen utensils in which food was prepared during the very day of the conquest, as they were not capable yet to render other things more insipid. And the Scripture did not allow to leave these vessels for a day or so when they would render food insipid, fearing lest one would be tempted to use them on the very day of the conquest.

R. Amram said to R. Sheshith: The Mishna says that "spits and gridirons must be glowed," whereas we learned with regard to such utensils that if meat of a sacrifice was roasted on them, they must be passed through boiling water before other such meat may be roasted on them? Said R. Sheshith: Amram, my son, the two cases are incomparable: Here the utensils ab-

sorb an allowed object, while the vessels of heathens absorb forbidden things, and can be, therefore, cleansed only by glowing. Rabba, however, finds the two cases comparable, because as soon as the meat of the sacrifice remains on the spit or gridiron for an interval longer than the one prescribed for eating it, its vapor, which is already unallowed, is absorbed by the vessel, therefore "boiling" includes also scouring and rinsing. Hereupon said Abayi: Such cannot be the case, for the scouring and rinsing take place in cold water; while in the case of sacrificed meat the vessels are passed through boiling water; it must then be understood that both the spit and gridiron of the heathen and those used to roast sacrificed meat on must, in order to be used again, first be glowed and then passed through hot water. As to the Mishna, it mentions only glowing, for the passing through boiling water is seen from the Boraitha; in like manner does not the latter mention the glowing which is clearly stated in the Mishna. Rabha, however, finds this explanation incorrect; for, he says, if this were the reason of the omission, either the Mishna or the Boraitha would have to state both methods of cleansing; then in the other one, where only one method is given, the inference as to the second method, too, could be justly made, but as the case is now, the two are not mutually supplementary (but rather exclusive). R. Papa, however, reconciles the two (Mishna and Boraitha) as follows: The utensils of the heathens retain all they absorb, as they are not used daily; while those on which the sacrificed meat is roasted are used continually and are, therefore, not left to cool off and to absorb the vapors. Said R. Ashi: The most plausible explanation is that offered above by R. Sheshith, and as to Rabba's objection there, that the utensils will, when next used, evaporate the previously absorbed vapors that have become forbidden, it can be met thus: The evaporation is considered merely as odor and deserves of no attention.

For how long must the utensils remain glowing in fire? Said R. Mani: Until their surface is peeled off. In cleansing vessels by passing them through boiling water, the water must all cover them, according to R. Huna. But if the vessel is very big? Come and hear: It once happened at R. Akabia's that a big kettle needed cleansing, and he had the kettle brimmed high with dough, so that the water poured into it reached above the kettle; this water was made to boil and the kettle was cleansed therewith. Said Rabba: Who can equal R. Aqabia in wisdom,

so as to invent so ingenious a device! for the brim of the kettle which was unclean only by reason of the forbidden prepared therein and the drops spouting upward, is now cleansed by the drops of the boiling water spouting upward upon the brim.

"*A knife is cleansed even by grinding it.*" R. Ukba b. 'Hama said: It means the knife should be ten times stuck into the earth in and out. Added R. Hunab. Jehoshua: It must be earth that has not been yet cultivated. R. Kahana remarked: The knife which is to be thus cleansed must have no hole on its surface. There is a Boraitha in support of this: A knife wholly smooth on its surface may be cleaned by sticking it in the ground ten times. Said R. Huna b. Jehoshua: But then you can eat with it only cold food; and if you want to use it also for warm food, you must first pass it through boiling water. As it once happened that Mar Jehudah and Bati b. Tubi were guests at the table of King Sabur when a citron was served; the king took a piece from it for himself and another piece he tendered to Bati b. Tubi; then he took the knife, stuck it in the ground ten times, cut off another piece, and gave it to Mar Jehudah. Thereupon said Bati b. Tubi: Am I not an Israelite that you thus cleanse the knife for him and not for me? And the king answered: I am convinced of Mar Jehudah's profound piety, but not of yours. According to others, however, the king's answer was this: Recall what you committed last night. (See Rashi's explanation of this last answer.)

APPENDIX TO PAGE 60.

"*Pieces of wine extract.*" The Mishna speaks of *Hadrianic potsherds*. What are these potsherds? Said R. Jehudah in the name of Samuel: It is meant thereby the potsherds of the King *Hadrianus;* and R. Dimi on his return from Palestine explained the nature of these potsherds as follows: The Romans were wont to find a plot of virgin soil, which they would work out and plant with grapes; the wine thus obtained they used to pour into new white earthern pitchers and leave it therein until the pitchers would absorb as much of the wine as they could; then the Romans would empty the pitchers of the remaining wine and break them into pieces; which potsherds they used to take along with them on their military expeditions, and whenever they wanted some wine they would pour water on such

potsherds and these would turn the water to wine. R. Jehoshua b. Levi added with reference to this that our best wine is not so good as the third pouring of these potsherds.

It was asked whether it is allowed to fasten with such potsherds the legs of a bedstead, since here the potsherds are wanted not for the wine they contain but for another purpose? Come and hear: R. Eliezar and R. Johanan who were asked on this point, expressed contrary opinions; the one allowing the potsherds for this use and the other forbidding them (which latter opinion prevails as the Halakha).

An objection was raised from the following: Wine poured into pitchers or leather bags of a heathen is forbidden to drink, any other benefit, however, may be derived from it. And Simeon b. Guda said to the son of R. Gamaliel, that even his father, R. Gamaliel himself, drank at Ako such wine, which story found, however, no belief. R. Simeon b. Gamaliel said in the name of R. Jehoshua b. Kapusai: The leather bags of a heathen are absolutely prohibited, so that even a cover for an ass is not allowed to make of them. Thus you see that here the leather bags are wanted not for the wine they contain, but for making a saddle or so for an ass, and yet they are forbidden? But again, how is then the Boraitha to be understood? Why then are not all vessels, earthen as well, prohibited to sell to, or buy from, a heathen? What difference is there between leather bags and earthen pitchers? Said Rabha: The following was the cause why leather bags were prohibited: it was namely feared that the Israelite might mend his own leather bag with the leather of the heathen's bag.

But how can he who prohibits to derive any benefit from the heathen's leather bag, account for the fact that the selling and buying of pitchers was not forbidden? He may say that as regards pitchers one can easily detect whether there was wine in them; hence, if it is found that such contained no wine, one is allowed to buy them. But as to Hadrianic potsherds, it is certain that they contain wine, hence they are absolutely prohibited.

END OF TRACT ABODA ZARA.

TRACT HORIOTH (DECISIONS).

SYNOPSIS OF SUBJECTS

OF

TRACT HORIOTH (DECISIONS).

CHAPTER I.

CHAPTER II.

CHAPTER III.

TRACT HORIOTH (DECISIONS).

CHAPTER I.

MISHNA *I.*: If, after the court had decreed the transgression of one of all the commandments prescribed in the Torah, an individual guided by this decree acted erroneously, either simultaneously with the judges, or after they had acted, or altogether independently, the court not having acted yet at all, he is free, for he followed the decree of the court. If, however, the transgressor was one of the members of the court and knew the decree to be erroneous, or a scholar already qualified to himself decide, he is in any of the aforementioned conditions liable (to bring a sin offering), as he has not based his transgression upon the decree of the court. This is the rule: Whoever relies upon his own judgment is liable, but whoever follows the decision of the court is free.

GEMARA: Samuel said: The court is not liable unless its decree read thus: You are allowed to practise so and so. R. Dimi of Nahardea, however, said: The phrase "to practice" is not necessary, the statement "you are allowed" being sufficient; which view was, however, objected to by Abaye, R. Aba, and Rabima from Mishnaioth that oppose it and it was accordingly overthrown without any further discussions.

"*An individual . . . acted erroneously*," etc. Said Rabha: This is so only when he acted according to the decree of the court, but if he ate, *e. g.*, illegal fat in the belief that it was legal, he is liable. This view of the case so certain to Rabha was doubtful to Rami b. Hama, as he propounded the same question and Rabha answered it from the expression "guided by this decree" (the Gemara, however, says) that in this case Rabh R. Johanan differ, viz.: in case the court has decreed that this fat is allowed to use and has consumed illegal fat thinking it legal, according to the former he is free, and according to the latter he is liable. And R. Papa explained R. Johanan's

reason to be that the transgressor is still considered as having acted in accordance with the decree, as if the court became aware that it has erred it would retract and so would the transgressor abstain from eating, hence R. Johanan's decision. And Rabha said: Rabh admits that the transgressor in question does not complete the majority, because it reads "erroneously," which means that all must err with regard to the same thing but not to different things.

"*Either simultaneously with the judges,*" etc. This is stated in order to teach that he is free, not only when he acted simultaneously with, but also when after, the judges had acted.

"*A scholar qualified,*" etc. To what purpose are both the conditions stated? Rabha: To teach that even such a person who is learned but who lacks discriminating power, or *vice versa,* is also culpable. Said Abaye to him: But from the statement of the Mishna, "who is already qualified to decide," obviously follows that he is both learned and strong is discrimination? Answered Rabha: I mean to say that if the Mishna stated not the last phrase, it could be said that in order to make him liable he must possess the two qualifications, hence the Mishna states it to indicate that its first phrase refers to him who possesses even but one qualification.

Again: "*Qualified himself to decide,*" etc. Who is meant thereby? Said Rabha, such, *e.g.*, as Simeon b. Azai and Simeon b. Zoma. Said Abaye to him: An act of such great men may be considered intentional; we must, therefore, say that such a case can take place only if he was aware that such is prohibited, but he committed an error by thinking that it is meritorious to follow the decree of sages even when they err.

"*This is the rule,*" etc. What does this sentence intend to add? Him who does not care at all to guide himself by the decision of the court. Said R. Jehudah in the name of Samuel: The whole Mishna is in accordance with R. Jehudah (the Jana), but according to the sages one is liable for acting upon the decree of the court as his guidance. Which R. Jehudah is this? From the following Boraitha. It reads [Lev. iv. 27]: "If any person . . . sin through ignorance, by his doing," where there are three extensions, to teach that he is liable by *his* doing it himself, but if by doing it upon the decree of the court, he is free. And which sages are there spoken of? From *Torath Kohanim,* section i., Leviticus. But let us see, our Mishna as well as that of Torath Kohanim is each taught anonymously;

whence, then, do we know that our Mishna is in accordance with R. Jehudah and the Boraitha with the rabbis, may be the converse is the case? Nay, as of no other have you heard to consider such extensions than of R. Jehudah, who said in the following Boraitha: it reads [ibid. vi. 2]: "This is the law of the burnt-offering," where there are three extensions. However, the Mishna can not be in accordance with R. Jehudah, for the reason that according to him the congregation is liable to bring a bullock in case its majority have sinned erroneously, while according to the sages the *court* must bring it. Therefore, our Mishna must be interpreted to mean that the court has decreed and only the minority has acted thereupon, and the point of their difference is that according to one an individual acting on the basis of the court's decree is free, while according to the other he is liable. R. Papa, however, said: All agree that in such a case the transgressor is free, and their point of difference is that one holds: The court is completing the majority of the congregation, while the other does not hold so.

R. Assi said: In a decision for practising, it is not the majority of the congregation but that of all the population that must be considered, as [I Kings viii, 65], "And Solomon held at that time the feast, and all Israel with him, a great assembly, from the entrance of Chamath unto the river of Egypt, before the Lord our God, seven days and seven days, even fourteen days," now, as it is written, "and all Israel with him," what for, then, yet the description, "great assembly from the entrance of Chamath unto the river of Egypt"? To teach that in such a decision (as to abolish the day of atonement) the population of the whole land is considered the assembly.

R. Jonathan said: If there were one hundred assembled to decide some point, there is no liability (attached to the transgression of the decision) unless the decree was made unanimously, as it reads [Lev. iv. 13]: "And if the whole congregation of Israel sin," which means that all sin by error, and that the decision be brought about unanimously. Said R. Huna b. R. Ashia: It seems to be so, since with regard to all the laws of the Torah there is a tradition that the majority is equivalent to the whole, and here it reads, "the whole congregation," *i.e.*, it must be the *whole* of the body, so that if there were one hundred their decision must be unanimous.

An objection was raised from our Mishna which states that

he is liable if "he has not based his transgression upon the decree of the court," whence it follows by implication that if another one (not so qualified) acted thus he would be free; why so, since in this the decree was no longer unanimous (as one of the members deviates)? It means here that this one member has also nodded his head affirmatively (while the vote was taken).

R. Mesharshia objected from the following: Our masters have relied upon R. Simeon b. Gamaliel and R. Elazar b. Zadok, who have decided that no decree must be promulgated unless the majority of the congregation is able to comply with it; and R. Ada b. Aba said: Where is there an allusion thereto in the Scripture? [Mal. iii. 9]: "With curse are ye cursed, and yet me do ye rob, O ye entire nation." Now, here is written the entire nation and nevertheless the majority is equivalent to the whole; hence, R. Jonathan's view is wholly overthrown, and the expression in the Scripture (cited above), "the whole congregation" means: if the whole is able to comply with the decree it is considered, but not otherwise.

MISHNA *II.*: If upon issuing the decree the court becomes aware of its being conceived in error and retracts, and meanwhile an individual commits a transgression upon that decree either before or after the court succeeded to bring its atoning offering, he is free according to R. Simeon, while R. Elazar classes it among the doubtful cases. In what sense is it doubtful? He may have stayed at his home, then he is liable; but if he was in the sea countries he is free. Said R. Aqiba: I agree that in the latter case he is rather free than liable. Whereupon Ben Azai asked: What difference is there between the two cases? It consists in that he who stays at home can possibly hear (of the retraction), while to the other one this is impossible.

If the court decided to annihilate a law in its very essence, by saying, *e.g.*, that there is not in the Torah the law of menses, of Sabbath, of idolatry, the members of the court are free (from an offering); but if it decided to abolish only one part of a law retaining in force the other part, they are liable. How so? If it decided, *e.g.*, that, though the law of menses is in the Torah, a man who has sexual relations with a woman in her watching days is free; or, that he who transports something from private to public grounds is free though the law of Sabbath is in the Torah; or, that the Torah truly forbids idol worship, yet he who bows to the idol is free—the court is liable, for it reads

(Lev. iv. 13): "And the thing be hidden," *i.e., something,* but not the whole essence.

GEMARA: Said R. Jehudah in the name of Rabh: R. Simeon used to say that if one acted upon a decision issued by the majority of the congregation, he is free; because a decision discriminates between intentional and unintentional acting, and here the transgressor, guided in his act by the decision, sins unintentionally (though he acts intentionally), and according to Rabh R. Simeon is consistent with his own theory elsewhere that the bullock for the forgetting by the congregation, and the he-goat for idolatry, are to be brought from the treasury of the temple.

There is a Boraitha. In the case mentioned in the Mishna, R. Mair makes him liable, and R. Simeon holds him free, while R. Elazar finds this case to be doubtful; and in the name of Symachos such was said to be a pending case. Said R. Johanan: They differ concerning a pending-offering. Said R. Zera: R. Elazar's decision is like that regarding the case where one consumes fat doubtful whether it is legal or illegal, and thereafter he became aware that it was doubtful, he is to bring a pending offering; and not only according to him who obliges the *congregation* to bring such an offering, as such an act is known to every one, hence, if the transgressor has acted after the congregation brought its atoning offering, in which case it cannot possibly be said that he in his act guided himself by the court's decree,—but even according to him who obliges the *court* to such an offering, which may be not known to everybody, the transgressor is also liable, since he could find this out upon investigating.

R. Jose b. Abin, according to others b. Zebida, likens Symachos' decision to that regarding the case where one brings his atoning offering at twilight, which makes the atonement doubtful, since if it was yet day he is atoned, but if night he is not, and none the less he is not obliged to bring another offering.

"*Ben Azai asked,*" etc. Is not Ben Azai right? The difference between them is the case when the transgressor has just set out on his journey; according to Ben Azai he is liable, while according to R. Aqiba he is free as soon as he starts on his way.

"*If the court decided to annihilate,*" etc. Said R. Jehudah, in the name of Samuel: The court is not liable unless it has decided

upon a point which the Sadducees do not admit, but where they do, it is not considered an error, since even a child knows such a point, and the court is accordingly free.

MISHNA *III.*: If while the court was deciding, one of its members who perceived their error drew their attention to it, or if the presiding judge was absent, or one of them was a proselyte, a bastard, a nation, or an aged man who had no children, they are free; on the ground of the following analogy [Lev. iv. 3]: the expression *congregation* is used and [Numb. xxxv. 24] the same expression, it is inferred thus: just as there the expression means a congregational meeting whose members are singly and severally qualified to decide law questions, in the latter case it means the same.

GEMARA: "*The presiding judge,*" etc. Whence is this deduced? Said R. Sheshith: It is likewise found in a Boraitha of the disciples of R. Ismael, viz.: Why was it said that if the court decides on a point which the Sadducees admit, it is free? Because this is not considered an error but a fact of ignorance, as the members of the court ought to have learned; the same is the case here where the presiding justice was absent, some one of the members ought to substitute him, and as there was none competent to do so they are ignorants who ought to learn.

"*The expression congregation,*" etc. And whence do we know that there they are fit to decide questions? Said R. Na'hman b. Itz'hak: It reads [Ex. xviii. 22]: "With thee," *i.e.*, such as are equal to you.

MISHNA *IV.*: If the court decided in error, causing the whole people to act erroneously, a bullock is to be offered; but if the court decided intentionally (against the law) and the people acted in error, a sheep or goat is to be sacrificed (by each individual transgressor). If, however, the reverse was the case, all are free.

GEMARA: It states: If the court decided unintentionally and the people acted intentionally, they are all free, whence it follows by implication that if the unintentional act was equal to an intentional one, *i.e.*, done independently of the court's decree, one *is* liable; and what case would illustrate this? *E.g.*, the court decided that fat is legal and one has consumed such in the belief that it is legal, whence could be solved the question propounded above by Rami b. Hama? Nay, it may be said that because in the first part it speaks of an intentional decision

and of subsequent unintentional act, it expresses in the last part the reverse.

MISHNA *V.*: If upon the erroneous decree of the court the whole people, or its majority, acted, a bullock is to be brought; or, in case the decree referred to idol worship, a bullock and a he-goat; so holds R. Mair, while R. Jehudah says: Twelve tribes bring 12 bullocks, and in the case of idol worship yet 12 he-goats in addition. R. Simeon says: 13 bullocks in the one and 13 bullocks plus 13 he-goats in the other case respectively, thus making one bullock with one he-goat to each tribe, and one such pair for the court. If but seven tribes or the majority (of the people) acted upon the decree, the court members must bring a bullock, and in case of idolatry also a he-goat, so holds R. Mair, while according to R. Jehudah, the 7 tribes that sinned should bring 7 bullocks, and the innocent remaining tribes also sacrifice one bullock for the sinners. R. Simeon maintains his foregoing view, reducing the number of the sacrifices from 13 to 8.

If a tribal court caused by its erroneous decision the tribe to act accordingly, only this tribe is liable, while all the others are free, so holds R. Jehudah; the sages, however, maintain that only those are liable who act on the decree of the supreme court, for it reads [Lev. iv. 13]: "If the whole congregation of Israel sin through ignorance," hence not that of a single tribe.

GEMARA: The rabbis taught: If the court was aware that its decision was erroneous, lest one say that it is liable, it reads [Lev. iv. 14]: "The sin becometh known," but not the sinner, "through which they have sinned," *i.e.*, if there were two tribes they bring two bullocks; three, three bullocks, and so forth. But perhaps it means: If two individuals have sinned, they must bring two bullocks, and if three, three, and so on? To this it reads: "The congregation shall offer," *i.e.*, each congregation, as well as the congregation at large, is liable; how so? If there were two tribes, they bring two, and if seven tribes, they bring seven, and all other tribes who have not sinned should also each of them bring a bullock, since, though they have not sinned, they must conjoin themselves to the sinning tribes, as for this purpose it reads "the congregation," to make liable each of them. So R. Jehudah. R. Simeon, however, said: The seven tribes that have sinned bring seven, and the court brings one bullock in addition, for, as here *congregation*

is used and there the same term, hence, just as there the court *with* the congregation is meant, the same is the case here. R. Mair, however, said: If the seven tribes have sinned, the court brings only one bullock, and *all* are free for the same reason; as congregation mentioned above means only the court, the same is the case here. And R. Simeon b. Elazar said, in the name of R. Mair: If six tribes have sinned, and they formed the majority of all Israel, or seven tribes, though not forming the majority of Israel, only one bullock must be brought.

"*If a tribal court,*" etc. The school-men propounded a question: If one tribe has sinned, guided by the decree of the supreme court, may the other tribes conjoin with it to bring bullocks or not? Shall we assume that only to seven tribes conjoining takes place, but not to one, which does not form majority, or since it acted upon the decree of the court there is no difference whether one or seven? Come and hear: R. Jehudah said: If one tribe has acted in accordance with *its* court, it *alone* is liable, but if it acted according to the decision of the supreme court, all the other tribes are also liable. Said R. Ashi: ItI seems to be so also from our Mishna, which states, "only this tribe is liable, while all the others are free"; to what purpose does it add, "while all the others," etc., after it states "*only* this tribe," etc? To teach us, thus: Only in the case of its own court, but if it is a case of the supreme court, all the others are also liable.

But let us see, whence do both R. Jehudah and R. Simeon deduce that *one* tribe is also called *Kahal, i.e.*, congregation (of all Israel)? From [II Chron. xx. 5]: "And Jehoshaphat stood forward in the *Kahal* of Judah and Jerusalem." R. A'ha b. Jacob opposed: Perhaps there it was *Kahal,* because the tribe Benjamin, too, was there, hence more than one tribe? Therefore, says he, it is deduced from [Gen. xlviii. 4]: "And I will make of thee a *Kahal* of people"; now, at that time Benjamin was born, and you infer from here that so said the Merciful One to Jacob: one *Kahal* more is born to you. Said Shba to R. Kahana: But perhaps the Merciful meant, now as Benjamin is born, and you have twelve tribes you are called a *Kahal*? And he answered: Do you mean to say that eleven tribes are not called *Kahal*?

The rabbis taught: If one member of the congregation dies, the liability does not cease, but if one member of the court dies, it does cease. According to what Tana is this Said R. 'Hisda,

in the name of R. Zera, in the name of R. Jeremiah, quoting Rabh: It is in accordance with R. Mair, who said that the court and not the congregation brings the offering; hence, if a member of the court dies, it means one of the partners to the sin-offering died, and in such a case the sin-offering can not be brought.

R. Joseph opposed: Why not say on the same reasoning lines that it is in accordance with R. Simeon, who says that the court *with* the congregation must bring the offering? Said Abaye to him: We have heard R. Simeon saying elsewhere that a sin-offering of partners is not put to death: If the bullock and he-goat of the day of atonement upon being lost were substituted by others, and thereafter the first were found, they all are put to death (because none of them is fit for the altar); so R. Jehudah. R. Elazar and R. Simeon, however, maintain that they must be kept until they become blemished, as there is a rule that a sin-offering of a congregation is not put to death. Rejoined R. Joseph: You speak of priests, an entirely different case, as they are themselves called *Kahal* [Lev. xvi. 33]: "For all the priests and for all the people of the *Kahal*." Answered Abaye: According to this they ought to bring a bullock for an erroneous decision by their own court; and should you say that such is the case, then there will be more than twelve tribes! Thereupon said R. A'ha b. Jacob that the tribe of Levi is not called *Kahal* at all, as from the above cited verse [Gen.], it is to be understood that they who inherited landed property in Jerusalem are called a tribe, but not the Levites, who had no such inheritance. But if so there are fewer than twelve tribes? Said Abaye: It reads there [ibid.] that Ephraim and Menashah (the two sons of Joseph) are considered as Rubin and Simion: *i.e.*, as *two* tribes. Said Rabha: Does it not read [ibid., ibid. 6]: "After the name of their brothers shall they be called"? The answer is: They are called after the brothers' name only in respect of inheritance, but not in other respects. But are they not all divided into flag-division? This was only to honor the flags, as the division of the inheritance took place in accordance with the flag-divisions. But are they not divided according to their respective princes? This also was done to honor the princes; as we have learned in the following Boraitha: Solomon has celebrated seven days the dedication of the temple; why did Moses celebrate twelve days the tabernacle? To honor the princes.

CHAPTER II.

MISHNA *I.*: If an anointed priest has erroneously rendered an unlawful decision against himself and acted accordingly by mistake, he must sacrifice a bullock. But if the decision was conceived in error and the act performed intentionally or *vice versa*, he is free; for the decision of an anointed priest with regard to himself is equivalent to a decision of the court for the people.

GEMARA: "*Erroneously . . . acted accordingly by mistake.*" Is this not self-evident? Said Ahaye: It speaks of a case where he forgot the reason of his decision, and when he acted he said that he acts in accordance with the decision, lest one say that in such a case it is considered an intentional act, since if he remembered the reason of the decision he would not act, it comes to teach that it is not so.

"*But if the decision . . . in error and the act performed intentionally,*" etc. Whence is this deduced? From what the rabbis taught: it reads [Lev. iv., 3] "to bring guiltiness on the people," which seems superfluous in this connection, but comes to teach that he [the priest] is equal to the congregation; a fact that could be inferred without a special verse, *i.e.* the congregation is exempt from the laws governing the individual, and so is the anointed priest; hence, as the congregation is liable but for forgetting and for acting erroneously, the same should be with the anointed priest; or, on the other hand, a prince is exempt from the laws of an individual, and so is an anointed priest: as the former is liable for erroneous acting without forgetting, the same should be with the latter; it thus remains to see to whom is he [the priest] equal as regards his offering: the congregation brings a bullock, but not a pending trespass offering, and the same does the anointed priest bring; hence, as the congregation is liable but for forgetting and erroneous acting, so also is the anointed priest. But why not say: As in case one acts in accordance with the congregation's decree, he is liable, the same should be if one acts according to the decision of the anointed priest? It reads [ibid.]: "For *his* sin, and not for the sin of another." And whence is it deduced that the anointed priest does not bring a pending

trespass offering? From [ibid. v., 18] "concerning his sin of ignorance," which signifies: only for him whose sin and erroneous act are considered equal (*i.e.* where both decision and acting were performed in error), exclude the anointed priest, who is liable but for forgetting and for erroneous acting.

MISHNA *II.*: If he (the said priest) both decided and acted for himself, he brings his atoning sacrifice separately. If, however, he both decided and acted jointly with the congregation, he brings with latter a joint atoning sacrifice. Like the court, that is liable only when it effects a decision partly annulling partly confirming the law, so also the anointed priest, and even if the law in question be one regarding idol worship.

GEMARA: Whence is this deduced? from what the rabbis taught: if he has both decided and acted together with the congregation, lest one say he is to bring a bullock separately, we infer from the case of a prince: as a prince is exempt from the laws governing an individual and so is the anointed priest, too, the same is the case here, viz.: as the prince is to bring a separate offering when he sins separately, but when he sins with the congregation he is atoned for by its offering, the same is the case with the anointed priest; on the other hand, a prince is atoned for together with the congregation on the day of atonement, which is not the case with the anointed priest, and as he (priest) needs a separate offering on the day of atonement, the same should be the case if he has sinned together with the congregation;—against this the afore-cited verse [Lev. iv. 3], which signifies that if he sins separately, he brings a seperate offering, and if he sins with the congregation he need not bring a separate offering.

But let us see the nature of the case: if he was the presiding justice, then only *his* decision must be taken into consideration, as the opinion of the rest counts for nothing, and it is obvious that the atonements must be separate; and if he was not presiding, why should he be atoned for separately when *his* opinion in this case does not count? Said R. Papa: it means that he was equal to the others.

Abaye was about to say that "he sinned separately" means: in a different place; but Rabha said to him: does the difference in place cause the separation? it may be even in one and the same place but concerning different prohibitions, and then it is considered separate sinning.

"*Partly annulling*," etc. Whence is this deduced? From

what was said in the Chapter I: by forgetting *something* and not the whole, and whence is it deduced that the same is the case with the anointed priest? from what is discussed above: "To bring guiltiness on the people." Finally, whence is deduced that the same is the case concerning idolatry? From what the rabbis taught: lest one say that because concerning idolatry there is a special verse, it should hence be treated differently,—there is an analogy of expression: "From the eyes," found in both cases (idolatry and other sins) to teach that they are equal in all respects.

MISHNA *III.*: The conditions determining the liability of both the courts and the anointed priest are: Their ignorance of the thing during the rendering of the decision, and the subsequent erroneous acting. The same conditions hold in decisions regarding idol worship.

GEMARA: Whence is this deduced? From what the rabbis taught: it reads [Lev. iv. 13] "Through ignorance, and a thing be hidden," whence we see that both ignorance and forgetting are necessary. The deduction of the case of the anointed priest is again as above. As to idolatry, lest one say: it was separately taught, hence it requires different treatment, comes the analogy of expression to teach as above. Thus we see that it does not teach concerning the anointed priest regarding idolatry; whence it may be said that our Mishna is in accordance with Rabbi of the following Boraitha: If the anointed priest has sinned in a case of idolatry, according to Rabbi, he is liable for erroneous acting, and, according to the rabbis, for forgetting; all, however, agree that his offering must be a she-goat and that he is not under the category of those who bring a pending trespass offering, and Rabbi's reason is from [Num. xv. 28]: "And the priest shall make an atonement for the person that hath erred"; "for the person" means the anointed priest; "that hath erred" means the prince; "in his sinning through ignorance" means according to Rabbi that the sinning of each of the two must be through ignorance, while according to the rabbis this part applies only to him who sins through ignorance, exclude the anointed priest who sins through forgetting; and whence do they deduce that he like any other individual must bring a she-goat? From the above-cited verse [ibid., ibid. 27]: "And if *any* person sin," *i.e.*, any one: common, priest, prince, etc.

And whence is it deduced that he does not bring a pending trespass-offering? From [ibid. v. 18] "for his ignorance," which

can not mean the priest in question who sins by forgetting. On the other hand, according to the rabbis, it intends to exclude the anointed who sins in any case whatsoever not by erroneous acting alone, but when such is accompanied by forgetting.

MISHNA *IV.*: The court is not liable unless the issued decree concerns a command the intentional and unintentional violation of which entail *Korath* and sin-offering respectively; the same is the case with the anointed priest. The same refers to the case of idol worship.

GEMARA: Whence is this deduced? As stated in the following Boraitha: Rabbi said: It reads [Levi. v. 5]: "*Alehu*" [ibid. xviii. 18]: "*Olehu*," as there it is a case of Korath and a sin-offering, the same is the case here. And the deduction that the same applies to the anointed priest is made as above. As to a prince, it is inferred from the analogy of expression [ibid. iv. 22]: "Prohibitions" (*Mitzvoth*), found also [ibid. ibid. 13] concerning the congregation; now, as the latter treats of things the transgression of which is, if intentional under Korath, and if unintentional under sin-offering, the same is the case with a prince; while concerning a common individual it reads [ib. ibid. 27]: "If any person" to infer this last from the previous one.

"*The same refers to the case of idol worship.*" Whence is this deduced? From what the rabbis taught: because idolatry is mentioned specially, hence it should be treated differently, so that one be culpable even when the sin is not under the category of Korath, etc., therefore the analogy of expression "from his eyes," as there it is under the category of Korath, so also here.

But this is concerning the congregation; whence do we know this with regard to the anointed priest, prince, individual? From [ibid. ib. 27]: "*Any* person," i.e., *any*: be he priest, prince, etc. But again, all this is correct according to him who holds the analogy of expression *Olehu*; but to the rabbis who do not hold so, whence is this deduced? From what R. Jehoshua b. Levi taught to his son [Num. xv. 29, 30]: "One law shall be for you, for him that acteth through ignorance. But the person that doth aught with a high hand," etc., this compares all the laws of the Torah to idolatry: as latter is under both Korath and sin-offering, so also all other cases of the same category. But from here you infer only an individual, a ruler, and an anointed priest; whence do we know that the same is the case with the congregation? Infer the first verse [13] from the last [27]. We thus see that according to all, the cited verses [Num. xv. 29, 30] speak of idol-

atry, how is it so understood? Said Rabha, according to others, R. Jehoshua b. Levi; according to still others, Khdi: it reads [ibid. ib. 22]: "and do not observe all these commandments"; now, a negative commandment that is in importance equal to *all* other negatives is, you must say, idolatry.

The disciples of Rabbi infer this from the same verse [22 and 23] "which the Lord hath spoken unto Moses, all that the Lord hath commanded you by the hand of Moses," and a commandment said, in the words of the Holy One, blessed be He, and commanded again by the hand of Moses is of idolatry; as the disciples of R. Ismael taught that the commandment "I am the Lord; thou shalt have no other gods before me," we have heard from the Almighty Himself; and thereafter it was commanded through Moses in many other places.

MISHNA *V.*: The court is not liable for a decree concerning a command or a prohibition with regard to (polluting) the sanctuary. Nor must one bring a pending offering for a doubtful violation of the said command or prohibition. But in case of erroneous teaching and of doubt, each regarding a command or prohibition with reference to a woman in her menses, a bullock and a pending offering are required respectively. The command in the case is: Keep away from a woman in her menses. The prohibition is: Have no sexual intercourse with her.

GEMARA: Whence is it deduced that the congregation is not liable to any offering, while the individual is not liable to a pending offering either? Said R. Itz'hak b. R. Dimi, it reads [Lev. iv. 27]: "and become guilty" concerning a sin and pending offering, and also [ibid., ibid. 13]: "and they become guilty," which signifies: as the guiltiness of an individual is attended with a sin offering established for all, so also the guiltiness of the congregation is attended with such an offering; and as the latter's offering is an established one, so also the pending offering must be brought only for the doubt about a transgression to which an established offering applies, but not about that of the sanctuary to which a rich and poor offering applies.

MISHNA *VI.*: There is no liability when the decree concerns an adjuring challenge to testify, a hastily made vow, the defilement of the temple and its holy objects; the same is the case with the ruler, so R. Jose the Galilean. R. Aqiba, however, says: The ruler is liable in all these cases but the first one, for the king can neither judge nor be judged, neither testify for others nor have others testify for him.

GEMARA: Said Ula: What is the reason of R. Jose the Galilean? [Lev. v. 5] "And it shall be, if he have incurred guilt by any one of these [things], that he shall confess that concerning which he hath sinned," which speaks of all that are treated of in the Mishna, and which signifies that he who may be guilty for one of these may be guilty also for the others, but who is not guilty for one of these is not so for the others either. But perhaps the verse means that if he incur guilt even for one of these? Therefore it must be said that the reason of R. Jose the Galilean is the following Boraitha: R. Jeremian used to say: It reads [ibid., ibid. 7], "And if his means be not sufficient," and then [ibid., ibid. 11], "If he can not afford." All this speaks of persons that can be classed as poor and rich, which is not the case with either priest or ruler, as concerning the latter it reads [ibid., ibid. 22] "of the Lord his God," which signifies him who has for his superior only his God; and concerning the former it reads [ibid. xxi. 10]: "And the priest that is highest among his brethren," meaning that he is highest in beauty, in might, in wisdom and in wealth; and the anonymous teachers say: whence is it deduced that if he [priest] is not rich his people should make him the richest: from same verse: "that is highest among his brethren," signifying that his brethren make him highest.

MISHNA *VII.*: As regards all commandments of the Torah, whose intentional and unintentional violations entail respectively Korath and sin offering, a private individual brings offers (in the latter case) a (female) sheep or goat, the ruler, a he-goat; the high priest or the supreme court, a bullock. In matters of idol worship the private individual, ruler and priest bring a she-goat, while the court (that has erroneously decided) a bullock and a he-goat, former as burnt offering, latter as a sin offering. The pendding offering (for a doubtful malfeasance) is imposed upon the ruler and private persons, the anointed priest and the court are free therefrom. The trespass offering (for a sure misdeed) is imposed besides the first two also upon the high priest, while the court is exempt therefrom. For challenging by oath to testify, for a hastily made vow, for defiling the temple and the holy objects thereof, the erroneously decreeing court is free; while private individuals, the ruler, the high priest are liable; with the exception, however, that the last one is according to R. Simeon not liable in the said case of defilement. And what is the sacrifice they bring? A poor and rich offering. R. Eliezar says: The ruler brings (for temple defilement) a he-goat.

GEMARA: There is a Boraitha: R. Simeon laid down this rule: In whatever an individual is liable to a pending offering, the ruler is equal to him, while the anointed priest and the court are free; on the other hand, in whatever a trespass offering applies the ruler and the anointed priest are equal, while the court is free, viz.: for a witness-oath, an uttered oath and the defilement of the sanctuary and its holy objects the ruler and the anointed are liable, and the court is free; however, the ruler is not liable for a witness-oath and the anointed for the defilement of the sanctuary, etc.; and in an act where a rich and poor offering applies the ruler is equal, while the anointed and the court are free.

Now, is not the Boraitha involved in a contradiction concerning the liability of the ruler and the priest? Said R. Huna b. R. Jehoshua: this presents no difficulty; as one Tana speaks of poverty, while the other, of extreme poverty, and R. Simeon holds with R. Agiqa concerning extreme poverty when the ruler is free from that offering, but differs with him concerning poverty, in which case he holds the ruler, too, liable.

CHAPTER III.

MISHNA *I.*: An anointed priest who has sinned and thereafter was removed from his office, and a ruler who has sinned and was removed from his dignity, the former brings a bullock and the latter a he-goat. However, if both have sinned after they were removed from their offices, the priest in question brings a bullock and the ex-ruler is considered as a common man.

GEMARA: To what purpose is it needed for the Mishna to state that when he has sinned before the removal from his office he is to bring a bullock, as the same is the case even if he did so after the removal? It was necessary because of the law that a ruler after the removal of his dignity is considered common.

Whence is this deduced? From what the rabbis taught [Lev. iv. 3]: "Shall he bring near for *his* sin," which signifies that he has to bring an offering for his previous sin. While concerning a ruler it reads [ibid. 22]: "If a ruler should sin," which signifies that if he has sinned while he is still a ruler, but not when he becomes common.

MISHNA *II.*: If they were appointed to their respective positions after they had sinned, they are treated as private persons. R. Simeon, however, says: If they become cognizant of their malfeasance before their appointment, they are liable; but if after, they are free. What is meant by ruler? A king, for it is stated [Lev. iv. 22]: "If a prince sins and performs one of the commandments of the Lord his God," etc.; hence, a prince who has above him no one but the Lord his God.

GEMARA: Whence is this deduced? From what the rabbis taught [ibid., ibid. 3]: "If the anointed priest do sin to bring guiltiness," which excludes the transgressions he had committed before he was anointed. This could be deduced by *a fortiori* argument, thus: A ruler who is liable to a sin-offering for an erroneous act is not liable for his acts before he became a ruler. The anointed who is liable for forgetting an erroneous act, so much the less should he be liable for his previous acts. And should you say that with a ruler it is different, as he is not liable

after his removal from office, to a sin-offering for his sin while he was still a ruler, which is not the case with the anointed? To this it reads in the above-cited verse " the anointed has sinned," which signifies only for that sin which he committed while he was already in his office. On the other hand, on *a fortiori* argument could be used to make a ruler liable for his sin before he ascended the throne, if not for the verse cited above concerning him.

The rabbis taught: " A ruler who will sin," lest one say that such is the heavenly decree that he shall sin, to this it reads, "*If* the anointed will sin," which means if it will happen so, and the same is with the ruler.

The rabbis taught: " A ruler should sin " to exclude him who was sick with leprosy, as it reads [II Kings, xv. 5]: " And the Lord afflicted the king with leprosy, and he was a leper unto the day of his death, and he dwelt in the free-house.* And Jotham the king's son," etc. What does it mean, free-house? Was he until that time a servant or a slave? Yea; as it happened with Raban Gamaliel and R. Yehoshua, who were on a boat; the former has prepared bread for food, and the latter prepared bread and fine flour for food. And when the bread of R. Gamaliel was consumed by him he relied upon the fine flour of Yehoshua. And to the question of the former: Were you aware that there will be a delay in the journey, that you took with you so much food, he answered: There is a star which appears once in seventy years that makes the captains of the ships err, and I thought perhaps it will appear now and make us err, I therefore prepared more food. Said Gamaliel: You possess so much wisdom and still you are compelled to go on a ship to make your living. And he rejoined: You are wondering about myself, how would you be surprised if you knew about two disciples of yours who are on the land—viz.: R. Elasar Chasma and Johanan b. Goodgada, who can imagine how many drops of water there are in the sea and nevertheless have no bread to eat and no garment for dress. R. Gamaliel then made up his mind to make them officers in the best places of the congregation, and when he returned home he sent for them, but they did not appear; he sent again for them, and when they came he said to them: Do you think that the appointment to such high offices which I am about to confer on you, will make you rulers? Nay;

* Leeser's translation does not correspond.

slavery I give to you, as it reads [I Kings, xii. 7]: "If thou wilt this day be a servant unto this people," etc.

R. Na'hman b. R. 'Hisda lectured; it reads [Eccl. viii. 14]: "There is a vanity which is done upon the earth, that there are righteous men"; happy are the righteous whose fate is like that of the wicked in the world to come; and woe is to the wicked whose fate is in this world like that of the righteous in the world to come. Said Rabha: May not the righteous be rewarded in both this and the world to come? Therefore, said he, "Happy are the righteous whose fate is like the fate of the wicked in this world, and woe is to the wicked whose fate is like that of the righteous in this world.

R. Papa and R. Huna b. R. Jehoshua came to Rabha and the latter questioned them if they have learned thoroughly such and such tracts of the Talmud, to which they answered: "Yea." And to his question: Have you become a little rich so that you have time to study properly? They rejoined: Yea; as we bought little grounds. He then applied to them the above-cited verse.

Rabha b. b. 'Hana said, in the name of R. Johanan, it reads [Hos. xiv. 10]: "For righteous are the ways of the Lord; and the just shall walk in them; but the transgressors will stumble through them"; whereby Lot and his two daughters are meant. To the latter who intended to do a meritorious act, the verse "the just shall walk in them" is applied, and to him who intended to commit a crime, the last words of the same verse are applied. And whence do we know that he has intended to commit a crime? Was he not compelled to this action? It was taught in the name of R. Jose b. R. 'Huni: Why is the *vav* of the word *bkumah* [Gen. xix. 33] pointed? Because he (Lot) was not aware at the start, but when she got up he became aware of his act. But what could he do; there was no remedy to what has already passed? He ought to have drunk the second evening.

Rabba lectured [Prov. xviii. 19]: "A brother offended is harder than a strong town"; by this Lot is meant, who separated himself from Abraham. "And quarrels [among brothers] are like the bars of a castle"; it is Lot who made Israel to quarrel with the nation of Amon [Deut. xxiii. 4].

Rabha or R. Itz'hak lectured [Prov. xviii. 1]: "He that separateth himself [from God] seeketh his own desires: at every sound wisdom is he enraged"; by the first part of this verse

Lot is meant, who separated himself from Abraham; and by the second half the punishment of Amon and Moab is meant, of whom a Mishna states the prohibitions of mingling with them are forever lasting. Ula said: Tammar sinned, and kings and prophets were her issues. Zimri sinned and tens of thousands of Israel fell. (How great a difference!)

"*What is meant by ruler,*" etc. The rabbis taught: It reads "A prince." Lest one say a prince of a tribe as, *e.g.*, Na'hshan b. Aminodob, it reads: the above-cited verse [Lev. iv.] and [Deut. xvii. 19], concerning a king, it reads: "He shall fear the Lord his God"; now, as there no one but his God is his superior, so also here.

Rabbi questioned R. Hyye: I, who am a prince, am I liable to a he-goat? And he answered: There are your rivals in Babylon; Rabha objected to him from the following: Kings of Israel and the kings of the house of David have to bring their offerings separately? And he answered: They were not dependent each upon the other, while we are dependent on those in Babylon.

R. Safra taught the above as follows: Rabbi questioned Hyye: I, *e.g.*, who am a prince, am I liable to a he-goat? And he answered: In Babylon there is a tribe (Shebet), etc. (See Sanhedrin, p. .)

MISHNA *III.*: And who is the anointed priest? He who was consecrated to priesthood by the holy ointment and not merely by the many (8) raiments. However, between these two kinds of priests there exists no other difference except the bullock-sacrifice attending the violations of any of the commandments. Nor is there any difference between the priest in office and the retired priest except the bullock of the day of atonement and the tenth of the *Eifah.* Both are equal as regards the services on the day of atonement, the command to marry a virgin, the prohibition from marrying a widow, from defiling themselves to a dead relative, from wild-growing of the hair, from tearing their garments; finally both effect through their respective deaths the return of the homicide from exile.

GEMARA: The rabbis taught: In the oil for anointing which was made by Moses, they used to soak the roots, so R. Jehudah, etc. (Here it is repeated from Tract Kherithoth, 5 b. to 6 b., and as there is its proper place, we omit it here.)

The rabbis taught: The anointed, and lest one say it means the king, it adds "the priest." And lest one say, that also he who was sanctified by his dress only, therefore "the anointed."

But still one may say that it means the priest anointed for the war time, therefore and "the anointed priest," *i.e.*, the distinguished one who has no one anointed over him.

"*There is no difference between the anointed*," etc. Our Mishna is not in accordance with R. Nair, as he holds that he who was sanctified by the eight dresses, has to bring a bullock for the transgression of all the negative commandments which are to be found in the Scripture; while the sages did not agree with him. But how can you say that our Mishna is in accordance with the rabbis? Does not the latter part state, "There is no difference between a priest who is still in his office and one retired, but concerning the bullock of the day of atonement and the tenth of Eipha," all which can be only in accordance with R. Nair, as we have learned in the following: If it happened to the high-priest a thing which makes him temporarily unfit for service, so that he was substituted by another priest, then the former returns to his office and his substitute remains with all the obligations of a high-priest, so R. Nair; R. Jose, however, maintains that the substitute is no more fit either as a high-priest or as a simple one. And he added: It happened to Joseph b. Ailim of Ceporas that something made him temporarily unfit, to serve as high-priest, and another one was substituted, and his brethren the priests did not allow his substitute to be either a high-priest or a common one: a high-priest because of animosity, and a common one because of the rule that one may be raised in sanctification but not lowered; hence, we see that the first part of the Mishna is in accordance with the rabbis, and the second with R. Mair. Said R. 'Hisda: So it is. But R. Jose said: It is in accordance with Rabbi, who edited the Mishna in question in accordance with different Tanaim. Rabha, however, said: It is in accordance with R. Simeon, who holds with R. Mair in one case, but differs with him in the other. (The difference of opinion of the above Tanaim is translated already in Tract Joma.)

The Mishna states: "Except the five things which are said in the portion regarding a high-priest." Whence is this deduced? From what the rabbis taught [Lev. xxi. 10]: "And the priest that is highest among his brethren," means the high-priest. "Upon whose head anointing oil hath been poured," means that who was appointed for the war. "And who hath been consecrated to put on the garments," means that who was sanctified by the garments only; and to all them it says,

"Shall not let the hair of his head grow long, and his garments shall he not rend. Neither shall he go in to any dead body," etc. And lest one says that they all may perform the holy service in the first day in which death occurs in his family, it reads, "For the crown of the anointing oil of his God is upon him," which means, upon him but not upon his appointed colleague, *i.e.*, the appointed for the war, and as the latter was separated from the above, one might say that he is also commanded to take a virgin; therefore [ibid. 13]: "And he shall take a wife in her virgin state," *he* and not some other one. However, in the latter case Tanaim differ.

MISHNA *IV.*: The high-priest rends his garment from below; the common priest, from the top. The former, while in mourning, may offer sacrifices but not eat thereof; the latter, if in mourning, must do neither the one nor the other.

Said Rabh: From below means literally he shall tear from the bottom of the garment. Samuel, however, says: From the bottom of the seam, and on top means on the top of the seam. But both must be on the bottom of the collar.

MISHNA *V.*: What is more common precedes the less common; the more holy precedes the less sanctified. If the bullock of the anointed priest and that of the congregation are simultaneously ready as sacrifices, the former precedes the latter in all respects.

GEMARA: Whence is this deduced? Said Abaye [Numb. xxviii. 23]: "Besides the burnt-offering of the morning, which is for a continual burnt-offering, shall ye prepare these." Now, as it reads already the burnt-offering of the morning, why was it necessary to state which is for a continual offering? To teach that what is more common precedes the less. And whence do we know that what is more sanctified precedes the less one? From what was taught by the disciples of R. Ismael: "Thou shallst sanctify him," means to every sanctification he shall begin first, he shall make the benediction first, and he shall be the first to take the best share.

"*The bullock of the anointed,*" etc. Whence is this deduced? From [Lev. iv. 21]: "And he shall burn him as he has burned the first bullock." To what purpose was the "first" necessary? To teach that he must make precede the bullock of the congregation in all respects.

The rabbis taught: If the bullock of the anointed priest and that of the congregation were standing, the former precedes the

latter in all respects, because as the anointed one atones and the congregation is atoned, it is but right that he who atones shall precede the atoned one in all respects. And so also it reads [ibid. xvi. 17]: "So shall he make an atonement for himself, and for his houshold, and for the whole congregation of Israel.

MISHNA *VI.*: The man has the preference over the woman in respect of preservation of life and of returning a loss. The woman has the preference in respect of dressing and of being ransomed from captivity. If two persons of different sex are menaced with being (sexually) disgraced, the man must be protected first.

GEMARA: The rabbis taught: if it happened that he, his master and his father were in captivity (and he was able to redeem one of them), he himself has the preference over the latter, and his master has the preference over his father. His mother, however, has the preference over all. A sage has the preference over a king of Israel, as if a sage dies we have no equal to him, but if a king dies all Israel are fit for the throne. A king has the preference over a high priest, as [I Kings i. 33]: "Take with you the servants of your lord," etc. A high priest has the preference to a prophet, as [ibid. 34]: "And let Zadek the priest with Nathan the prophet," hence the priest precedes the prophet. The priest anointed with the anointed oil precedes him who was sanctified by his garments. The latter precedes the one appointed for the war, and he precedes him who was removed from office on being blemished, and he precedes segan (vice high priest), and he precedes the Amarkhal. (What does Amarkhal mean? said R. 'Hisda: the head officer of the temple.) The last one precedes the treasurer, and he precedes the head of the watching officer. He (the head) precedes the head of the family priest, and the latter precedes a common priest.

MISHNA *VII.*: The following precede one another in order of arrangement: the priest, Levite (simple), Israelite, bastard, nathin, proselyte, a freed slave; provided, however, they are equally qualified in learning; but if, e.g., the bastard be a learned man in the Law, while the high priest is an ignorant, the preference is on the part of the former.

GEMARA: "*Equally qualified*," etc. Whence is this deduced? Said R. A'ha b. R. 'Hanina, from [Prov. iii. 15], "She is more precious than pearls"; (**pninim*), which means from the high priest who enters the *sanctum sanctissimum*.

**Pninim* is homonymous with *Pnim*, which means inside.

There is a Boraitha: R. Simeon b. Ia'hai said that it is but right that a free slave have the preference over a proselyte, as *the former was brought* up with us in sanctity, which is not the case with the latter; however, as a slave has been placed in the category of the "cursed" [Genes. ix. 25], a proselyte has the preference.

The disciples of R. Elazar b. Zadok questioned their master: Why is one more anxious to marry a female proselyte than a freed female slave? and he answered as a reason the slave's being in the category of the "cursed," and also because the proselyte is supposed to have kept herself in chastity, which, as a rule, is not the case with the slave.

They further questioned: Why does the dog know his master, and the cat does not? and his answer was: It is certain that he who eats from what is left by a mouse is apt to have a poor memory, so much the more so the cat that himself consumes the mouse. They questioned again: Why do all these animals (i.e. dogs, cats, and the like) reign over the mice? and he answered: Because the mice are instinctively mischievous, since, says Rabha, they tear even garments; and R. Papa says: They gnaw through even the handle of a pick-ax.

The rabbis taught the following five objects are conducive to one's forgetting his studies: The eating up of the remnants of the mice's or cat's food, of the heart of a cow, the frequent consuming of olives, the drinking of the water left from one's own washing, and, finally, the bathing of one's feet one kept on the other. According to others add yet this: the putting of one's clothes under one's head while sleeping,

The following five are apt to strengthen one's memory: Bread baked on coals, and particularly the consuming of the coals themselves, soft eggs without salt, the frequent drinking of olive oil, of wine flavored with spices, of water left after its use for a dough. According to others add yet this: to dip the finger in salt and consume the latter. According to others add this: the consuming of wheat bread and particulary of the wheat itself.

This Boraitha furnishes a support to R. Johanan who was wont of saying that as an olive causes one to forget one's studies acquired during a period of 70 years, so the oil thereof calls back to one's memory the studies of such a perod.

Concerning the consuming of salt on one's finger, according to Resh Lakish this must be done with one finger; while Tanaim differ: according to R. Jehudah it is with one finger and

not two, according to R. Jose two and not three fingers, and the negative sign of it is *Kuritzah*, i.e. taking a fistful of the meal-offering (done always with three fingers).

The following ten objects are cumbrous to one's studies: passing under the rope of a camel and particularly under the camel itself; passing between two camels, between two women, the passing of a woman between two men, passing through the obnoxious odor of a carcass, passing under a bridge where nature was not running for 40 days, the eating of half-baked bread, of meat taken out with the ζωμηρλτρος (spoon with which the scumming is done), drinking from a well streaming through a cemetery, looking on the face of a corpse. According to others add yet, reading the inscriptions on a tombstone.

The rabbis taught: when the prince enters, all the people present in college rise to their feet, without again taking their seats until he tells them to do so. When the chief justice enters. the people occupying two rows of seats facing the entrance rise and remain standing until he takes his seat. If the sage enters, the occupants of one row rise and remain standing until he takes his place. The children as well as the disciples of the sages, if their help in the studies is needful, are allowed to pass over the heads of the people (seated on the floor), but not when their help is not wanted. The children of such scholars who superintend the congregation, if they comprehend the subjects treated of, may enter, sit down with their faces to their fathers and backs to the people; but if not, they have to sit in the opposite order. R. Elicar b. R. Zadok said that also at a banquet these children may be invited for the sake of their parents. If one of them has to go out for physiological requirements he may return, Said Rabha, this is so only when their fathers are still alive and also present.

Said R. Johanan: This Mishna was taught in the time of R. Simeon b. Gamaliel, when he was the prince, R. Nathan the president, and R. Mair the sage of the college. When R. Simeon would enter, the people rose; likewise when either R. Mair or R. Nathan entered the people would rise; said then the prince: If so, there is no difference between me and the others, whereas I should like that a difference be made; and he accordingly enacted the rules laid down in the Mishna. However, this was carried out in the absence of R. Mair and R. Nathan, so that on the morrow when they came and saw the people behind the 2 rows remaining in their seats, they asked the reason thereof, in

answer to which they were told of the prince's enactment. Thereupon said R. Mair to R. Nathan: I am the sage and you are the president, let us enact something in our behalf; let us ask R. Simeon to teach us Tract Uktzin (stalks of fruit), and as we are aware that he is not versed therein, we will say unto him [Psal. cvi. 2] "Who can utter the mighty acts of the Lord?" he "who can publish all his praise!" Thereupon we will depose him and you will take his place and I yours. R. Jacob b. Oarshi (Rabbi's master) overheard this plan and was embarrassed as to how he could prevent R. Simeon's reputation from being marred; he then hid himself in back of R. Simeon's attic and began to study aloud Uktzin over again and again, until R. Simeon has noticed it and the idea struck him that something must have happened in the college, to which Jacob would like to draw his attention; he accordingly was quick enough to take up the study of Uktzin, and, indeed, succeeded in acquiring close familiarity with this Tract. On the morrow he was asked in the college, according to the premeditated plan, to lecture on Uktzin which he did, and after he was through he said to them: If my attention had not been called to this Tract, I should have been put to public shame by your plan. On his command, then, R. Mair and R. Nathan were removed from the college. They, however, were circulating in writing, questions and objections and throwing them in to the college; to those that could not be resolved in college, they would themselves write the answers and send them again to college. Said R. Jose to the college: The whole Torah is outside and we should remain inside the college? This pressure urged R. Simeon to allow the relegated to return under the penalty, however, that the Halakhas be not proclaimed in their names. Therefore R. Mair's Halakhas were henceforth classed with the anonymous teachers, and R. Nathan's were given as "according to some." It once happened that both had dreams commanding them to reconcile R. Simeon; whereupon R. Nathan did so, while R. Mair said that he does not yield to dreams as they are nonsense. When R. Nathan came to reconcile him, R. Simeon b. Gamaliel said: Because thy father's (official) belt helped the to be president of the court, must we make thee Nasi (prince)?

Rabbi taught to R. Simeon his son: The anonymous teachers say so and so; interrupted him his son; who are they whose water we imbibe and whose names we do not mention? And he answered: They were the men who conspired to destroy your glory and that of your father's house, rejoined he; [Eccl. ix, 6.]

" Also their love, and their hatred, and their envy are now already lost," answered the Rabbi paraphrasing. (Psal. ix. 7): The enemy is lost, but his ruinous deeds are still existing; said R. Simeon: this would be right if the deeds of the rabbis in question remained effective, but they whom you have in view had only an intention, and one that has never been realized. Thereupon Rabbi taught to him again; so and so was said in the name of R. Mair. Said Rabha: Rabbi, though modest in nature, yet refrained from saying ' it was said by R. Mair,' but taught it was said *in the name* of R. Mair.

Said R. Johanan: R. Simeon C. Gamaliel and the rabbis differed with regard to the following: according to one the erudite scholar, while according to the other, the dialectician, has has the preference. A message concerning this point was sent to the west, and the answer thereto was: the erudite has the preference, since every one is in need of the owner of the stored-up wheat. R. Joseph was the erudite, and Rabha was the dialectician, and though the answer of the west was in favor of the former, he did not accept the position of head of the college for 22 years, until Rabha who accepted this position died. During all this time R. Joseph did not invite to his house even a barber, but was himself going wherever he needed.

Abaye and Rabha, R. Zero and Rabha C. Mathma were sitting together at the time when the presidency of the college was vacant, and they have decided that he who will recite a point that will meet no objection be elected to this office. The sayings of them all were objected, excepting that of Abaye which was not; thereupon Rabha noticing that Abaye was raising his head, said to him: Wa'hmeni, begin your lecture (you are the head of the college).

The schoolmen questioned regarding R. Zera who was a genius and in the habit of raising objections, and Rabha C. Mathma who was slow, careful and considerate in drawing conclusions, which of the two types has the preference. This question remained undecided.

END OF TRACT HORIOTH AND OF THE VOL. XVIII., AND ALSO OF THE WHOLE SECTION JURISPRUDENCE.